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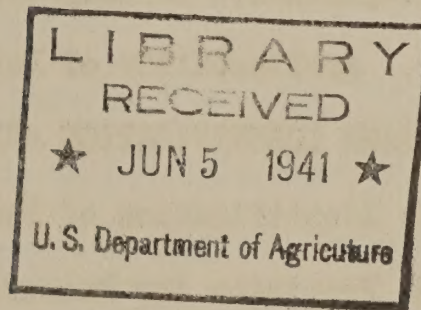
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PRELIMINARY

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
Washington, D. C.

REGULATIONS PERTAINING TO WHEAT MARKETING
QUOTAS FOR THE 1941 CROP OF WHEAT



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REGULATIONS PERTAINING TO WHEAT MARKETING QUOTAS FOR THE
1941 CROP OF WHEAT

United States Department of Agriculture,
Office of the Secretary.

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31; 7 U.S.C. 1301 et seq.), as amended, and Public Resolution No. _____, 77th Congress, approved May _____, 1941, I do make, prescribe, publish, and give public notice of the following regulations governing wheat marketing quotas for the 1941 crop of wheat, to be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture or acting Secretary of Agriculture under said Act. 1/

Part I. DEFINITIONS AND ISSUANCE OF FORMS AND INSTRUCTIONS

Section 101. Issuance of Forms and Instructions and Definitions

(a) Issuance of forms and instructions. -- The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions and such forms as may be required to carry out these regulations. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the appropriate county committee or the Administrator.

(b) Definitions. As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural:

(1) ACT: The Agricultural Adjustment Act of 1938 and any amendments thereto.

(2) RESOLUTION: Public Resolution No. _____, 77th Congress, approved May _____, 1941.

(3) SECRETARY OF AGRICULTURE: The Secretary of Agriculture of the United States.

(4) ADMINISTRATOR: The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture.

(5) REGIONAL DIRECTOR: The director of the division of the Agricultural Adjustment Administration in charge of the administration of

1/ Unless otherwise indicated, all references in the text to sections relate to these regulations. All section and paragraph references at the end of sections are to sections of the Agricultural Adjustment Act of 1938, as amended, and paragraphs of Public Resolution No. _____, 77th Congress, approved May _____, 1941, respectively.

sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1143), as amended (hereinafter referred to as the Soil Conservation and Domestic Allotment Act), in the region.

(6) WESTERN REGION: The area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(7) NORTH CENTRAL REGION: The area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(8) SOUTHERN REGION: The area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(9) EAST CENTRAL REGION: The area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(10) NORTHEAST REGION: The area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(11) STATE COMMITTEE: The group of persons appointed by the Secretary of Agriculture to assist within any State in the administration of the Soil Conservation and Domestic Allotment Act.

(12) COMMITTEE: A committee within a county or community utilized under the Soil Conservation and Domestic Allotment Act. "County committee," "community committee," or "local committee" shall have corresponding meanings in the connection in which they are used.

(13) TREASURER OF THE COUNTY COMMITTEE: The treasurer of the county agricultural conservation association or the treasurer of the county committee, as the case may be.

(14) REVIEW COMMITTEE: The review committee appointed by the Secretary of Agriculture as provided in section 363 of the Act.

(15) PERSON: An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State or an agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(16) OWNER OR LANDLORD: A person who owns farm land and rents such land to another person or operates such land.

(17) TENANT: A person who rents land from another person (for cash, a fixed-commodity payment, or a share of the crops or their pro-

ceeds) and is entitled under a written or oral lease or agreement to receive all or a share of the crops or their proceeds produced thereon.

(18) SHARECROPPER: A person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

(19) OPERATOR: A person who as owner, landlord, or tenant is operating a farm.

(20) PRODUCER or FARMER: A person who, as owner, landlord, tenant, or sharecropper, is entitled to all or a share of the wheat crop or the proceeds thereof produced on the farm in 1941.

(21) BUYER: A person who buys wheat.

(22) TRANSFEREE: A person who acquires wheat from a producer or any other person by barter, exchange, or gift inter vivos.

(23) INTERMEDIATE BUYER: Any buyer or transferee who purchases or acquires any wheat prior to the time the wheat so purchased or acquired has been marketed to a warehouseman, elevator operator, feeder, or other processor.

(24) FARM: All adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling on the farm is situated or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(25) NON-ALLOTMENT FARM: A farm classified as a non-wheat-allotment farm under the 1941 Agricultural Conservation Program (formulated under the Soil Conservation and Domestic Allotment Act).

(26) ALLOTMENT FARM: A farm classified as a wheat-allotment farm under the 1941 Agricultural Conservation Program.

(27) FARM ACREAGE ALLOTMENT: A wheat acreage allotment established for a farm under Sec. 204.

(28) ACREAGE OF WHEAT: In the case of an allotment farm, the acreage seeded to wheat, plus any acreage of volunteer or "self-seeded" wheat which is not disposed of in accordance with instructions issued by the Agricultural Adjustment Administration, but before the maturity of the wheat, and, in the case of a non-allotment farm, the acreage of wheat harvested as grain or in any manner after the wheat matures as grain; Provided, That an acreage not in excess of the larger of 3 acres or 3 percent of the farm acreage allotment for the farm, unintentionally planted in excess of the farm acreage allotment for the farm, will not be considered as seeded to wheat if disposed of in a manner and within the time specified by the Regional Director. Wheat seeded in a mixture will not be considered acreage of wheat if the mixture may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed. If, however, such crops other than wheat fail to reach maturity and the wheat does reach maturity, the acreage devoted to such crops will be considered to be acreage of wheat.

(29) EXCESS WHEAT ACREAGE: An acreage of wheat determined for the farm under Sec. 403 or Sec. 901 to 906, inclusive, whichever is applicable.

(30) NORMAL YIELD: The number of bushels of wheat established as the normal yield per acre for the farm under Sec. 205.

(31) ACTUAL YIELD: The number of bushels of wheat determined by dividing the number of bushels of wheat produced on the farm in 1941 by the 1941 acreage of wheat on the farm.

(32) NORMAL PRODUCTION OF ANY NUMBER OF ACRES: The normal yield per acre of wheat for the farm times such number of acres.

(33) ACTUAL PRODUCTION OF ANY NUMBER OF ACRES: The actual yield of wheat per acre for the farm times such number of acres.

(34) CARRYOVER WHEAT: The number of bushels of wheat of any previous crop which the producer had on hand at the beginning of the harvest of the 1941 crop.

(35) FARM MARKETING QUOTA: The wheat marketing quota established under the Act and Resolution for the farm for the 1941 crop.

(36) FARM MARKETING EXCESS: The amount of wheat determined for any farm under Sec. 403, 405, or 901 to 906, inclusive, whichever is applicable.

(37) **MARKETING YEAR:** The period beginning on July 1, 1941, and ending with June 30, 1942, both dates inclusive.

(38) **MARKET:** To dispose of wheat, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos, or by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or are to be so disposed of, but does not include disposing of wheat as premium to the Federal Crop Insurance Corporation.

(i) The term "sale" means any transfer of title to wheat by a producer by any means other than barter, exchange, or gift inter vivos.

(ii) The terms "barter" and "exchange" mean transfer of title to wheat by a producer in return for wheat or other commodities, services, or property in cases where the value of the wheat or such other commodities, services, or property is not considered in terms of money, or the transfer of title to wheat by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of wheat in lieu of a cash charge for harvesting or milling wheat (commonly called "toll wheat").

(iii) The term "gift inter vivos" means any transfer of title accompanied by delivery of wheat by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed," "marketing," and "for market" shall have meanings corresponding to the term "market" in the connection in which they are used.

(39) **PENALTY:** The penalty provided in paragraph 2 of the Resolution. (Sec. 375, 52 Stat. 66, 7 U.S.C. 1375)

Part II. ALLOTMENTS AND YIELDS

Sec. 201. National Acreage Allotment

The national acreage allotment of wheat for the 1941 crop of wheat was determined by the Secretary of Agriculture to be 62,000,000 acres, as published in the Federal Register on May 15, 1940, Vol. 5, p. 1725 (daily edition). The national acreage allotment for the 1941 crop of wheat is the acreage which the Secretary of Agriculture so determined would, on the basis of the national average yield of wheat, produce an amount of wheat adequate, together with the estimated carry-over on July 1, 1941, to make available a supply for the marketing year beginning July 1, 1941, equal to a normal year's domestic consumption and exports plus 30 per centum thereof. National average yield of wheat is the national average yield per acre of wheat during the ten calendar years 1930-39, adjusted for

abnormal weather conditions and for trends in yields. Carry-over of wheat for the 1941-42 marketing year is the quantity of wheat on hand in the United States on July 1, 1941, not including any wheat which was produced in the United States in 1941, and not including any wheat held by the Federal Crop Insurance Corporation. Normal year's domestic consumption of wheat is the yearly average quantity of wheat, wherever produced, that was consumed in the United States during the ten marketing years 1929-30 to 1938-39, adjusted for current trends in such consumption. Normal year's exports of wheat is the yearly average quantity of wheat produced in the United States that was exported from the United States during the ten marketing years 1929-30 to 1938-39, adjusted for current trends in such exports. (Sec. 333, 52 Stat. 53, 775, 53 Stat. 1125, 7 U.S.C. 1333)

Sec. 202. State Acreage Allotments

The national acreage allotment of wheat for the 1941 crop was apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1930-1939 (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period. The State acreage allotments for the 1941 crop of wheat were determined by the Secretary of Agriculture, as published in the Federal Register on May 15, 1940, Vol. 5, p. 1726 (daily edition). (Sec. 334 (a), 52 Stat. 53, 7 U.S.C. 1334 (a)).

Sec. 203. County Acreage Allotments

Each State acreage allotment for the 1941 crop of wheat was apportioned by the Secretary of Agriculture among the counties in the State on the basis of the acreage seeded for the production of wheat during the ten calendar years 1930-39 (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices. Said county acreage allotments of wheat were published in the Federal Register on May 2, 1941, Vol. 6, p. 2226 (daily edition). Sec. 334(b), 52 Stat. 53, 203, 7 U.S.C. 1334 (b)).

Sec. 204. Farm Acreage Allotments

Each county acreage allotment for the 1941 crop of wheat was apportioned by the Secretary of Agriculture, through the local committees, among the farms within the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment was apportioned to farms on which wheat had not been planted for the 1938, 1939, or 1940 crop. (Sec. 334 (c), 52 Stat. 53, 7 U.S.C. 1334 (c))

Sec. 205. Normal Yields

(a) Farms for which normal yields were determined. - The Secretary of Agriculture, through the local committees in each county, determined the normal yield per acre of wheat for each farm on which wheat was planted for the 1941 crop.

(b) Yields based on reliable records. - Where reliable records of the actual average yield of wheat per acre for all of the ten years 1930 to 1939, inclusive, were presented by the farmer or were available to the county committee, the normal yield per acre of wheat for the farm was determined to be the average of such yields, adjusted for abnormal weather conditions and trends in yields.

(c) Appraised yields - If for any year of the 10-year period 1930 to 1939, inclusive, (1) records of the actual average yield were not available, or (2) there was no actual yield, the normal yield per acre of wheat for the farm was appraised by the county committee, taking into consideration abnormal weather conditions, the normal yield for the county, and the yields in years for which data were available. The appraised yields so obtained were adjusted in accordance with paragraph (d) of this section.

(d) Adjustments in appraised yields. - The yields determined under paragraph (c) were adjusted so that the average of the normal yields per acre of wheat determined for all farms in the county (weighted by the wheat acreage allotments established for such farms) was not in excess of the county normal yield per acre of wheat established for 1941 by the Secretary of Agriculture and published in the Federal Register on January 3, 1941, Vol. 6, p. 45 (daily edition). (Sec. 301(b) (13) (A) and (E), 52 Stat. 41, 42, 202, 54 Stat. 727, 1211, 7 U.S.C. 1301 (b))

Sec. 206. Applicability of Detailed Instructions

The detailed instructions for carrying out the provisions of Sec. 201 through Sec. 205 are contained in the following documents:

"Regulations Pertaining to Farm Acreage Allotments and Normal Yields for the 1941 Crop of Wheat (as revised)", issued by the Secretary of Agriculture, published in the Federal Register on March 26, 1940 and on April 23, 1941, Vol. 5, p. 1148, and Vol. 6, p. 2077 (daily edition), respectively.

East Central Region: ECR-437, "1941 Wheat Allotment Procedure."

North Central Region: NCR-510-W, "Instructions for Determining Wheat Acreage Allotments for 1941."

Northeast Region: NER-501, "Procedure for Determining Wheat Acreage Allotments."

Southern Region: SRB-502, "Instructions for Determining Farm Wheat Acreage Allotments and Normal Yields under the 1941 Agricultural Conservation Program."

Western Region: WR-501, "County Office Procedure for Determining 1941 Farm Acreage Allotments, Yields, Productivity Indexes, and Carrying Capacities of Noncrop Pasture, and for preparing Notification to Farmers and for Handling Appeals." (Sec. 375, 52 Stat. 66, 7 U.S.C. 1375)

PART III. FARM IDENTIFICATION AND MEASUREMENTS

Sec. 301 Identification of Farms

Each farm as operated in the calendar year 1941 shall be identified by a farm serial number for the marketing year, assigned by the county committee, which shall not be changed, and all records pertaining to marketing quotas for the 1941 crop of wheat for such farm shall carry the farm serial number. (Sec. 374, 52 Stat. 65, 7 U.S.C. 1374)

Sec. 302 Provision for Measuring Farms

The county committee shall provide for measuring each farm in the county on which wheat was seeded for the 1941 crop. The measuring of any farm shall be done in accordance with the established procedure used by the Agricultural Adjustment Administration. (Sec. 374, 52 Stat. 65, 7 U.S.C. 1374)

Sec. 303 Report of Farms for Which a Farm Marketing Excess is determined.

A record shall be kept of the measurements made on all farms and there shall be filed with the State committee a written report on form Wheat 514 setting forth for each farm for which a farm marketing excess is determined and to which a penalty is applicable (1) the farm serial number, (2) the name of the operator, (3) the name of each person having an interest in the wheat crop produced thereon in 1941 or in the proceeds thereof, (4) the total acreage in cultivation on the farm, (5) the farm acreage allotment, and (6) the acreage of wheat. (Sec. 374, 52 Stat. 65, 7 U.S.C. 1374)

PART IV. FARM MARKETING QUOTAS

Sec. 401 Marketing Quotas in Effect

Marketing quotas shall be in effect for the 1941 crop of wheat. (Sec. 335(a), 52 Stat. 54, 7 U.S.C. 1335(a); par. 1)

Sec. 402 Amount of Farm Marketing Quota

The farm marketing quota for any farm for the 1941 crop of wheat shall be that number of bushels of wheat produced on the farm in 1941 less the amount of the farm marketing excess for the farm. (Sec. 335(c), 52 Stat. 54, 53 Stat. 1126, 7 U.S.C. 1335(c); par. 1)

Sec. 403 Initial Farm Marketing Excess

The initial farm marketing excess for any farm shall be the normal production of the excess wheat acreage for the farm. The excess wheat acreage for any farm shall, except as provided in Secs.

901 to 906, inclusive, whichever is applicable, be that acreage of wheat on the farm which is in excess of the farm acreage allotment. The normal production of the excess wheat acreage shall be the normal yield per acre established for the farm times the excess wheat acreage. The initial farm marketing excess shall not be changed or adjusted unless and until it is determined, in accordance with Sec. 405, that the actual production in 1941 of the excess wheat acreage is less than the normal production thereof. (Sec. 335(c), 375(b), 52 Stat. 54, 66, 53 Stat. 1126, 7 U.S.C. 1335(c), 1375(b); par. 1, 3)

Sec. 404 Notice of Farm Marketing Quota and Farm Marketing Excess

As soon as practicable after measurements for a farm are made, the county committee shall mail a written notice on form Wheat 513 to the operator of each farm for which a farm marketing quota is applicable. Such notice shall contain 1941 farm information consisting of the State and county code and farm serial number, the name and address of the farm operator, the acreage of wheat, the 1941 wheat acreage allotment, the normal yield, the farm marketing quota, the excess wheat acreage, and the farm marketing excess for 1941. The amount of the farm marketing excess shall be determined in accordance with Sec. 403. The notice to the operator shall constitute notice to all persons interested in the 1941 wheat crop and shall contain thereon a brief statement to the effect that, if, upon application to the county committee, in accordance with Sec. 405, it is shown that the actual average yield per acre is less than the normal yield for the farm, the amount of the farm marketing excess will be adjusted in accordance with Sec. 405. The notice shall contain also a brief statement of the procedure whereby application for a review of the farm marketing quota may be made under Section 363 of the Act and a statement that the farm marketing excess may be stored or delivered to the Secretary of Agriculture in order to postpone or avoid the payment of the penalty. A copy of each notice on form Wheat 513, showing the date the notice was mailed to the operator of the farm, shall be kept among the records of the county committee, and upon request a copy thereof, duly certified as true and correct, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1941 on the farm for which the notice was given. If measurements cannot be made for any farm, the notice pursuant to this section shall be in the form of a letter, containing the information outlined above with the exception of the 1941 acreage of wheat, the excess wheat acreage, and the farm marketing excess, and notifying the operator that the amount of the farm marketing excess is the amount of wheat produced in 1941 on the farm until the excess wheat acreage is determined and that it is issued in lieu of the notice on form Wheat 513 because the operator or owner prevented the measurement of the farm. (Sec. 362, 52 Stat. 62, 7 U.S.C. 1362).

Sec. 405 Adjusted Farm Marketing Excess

(a) Farm marketing excess adjusted for actual production.
The initial farm marketing excess as determined pursuant to Sec. 403

shall not be adjusted until an application for an adjustment in the amount of the farm marketing excess is made to the county committee. When it is determined by the Secretary of Agriculture, through the county committee, pursuant to such an application, that the actual average yield per acre for the farm is less than the normal yield thereof, the farm marketing excess for the farm shall be adjusted to the amount of the actual production of the excess wheat acreage. The actual production of the excess wheat acreage shall be the actual average yield per acre for the farm times the excess wheat acreage.

(b) Procedure in connection with an application for an adjustment in the farm marketing excess. An application for an adjustment in the amount of the farm marketing excess on the basis of actual production may be made by any producer having an interest in the wheat produced in 1941 on the farm. The application shall be made to the county committee not later than 60 days after the threshing of wheat produced on the farm is completed or December 31, 1941, whichever is the earlier. The county committee shall keep a record of each application so made and the time thereof. The county committee shall fix a time at which each application will be considered and shall notify the applicant thereof. Insofar as practicable, applications shall be considered in the order in which made. The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of evidence presented to it by the applicant. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Any such hearing shall be open to the public. The consideration of any application shall be confined to the determination of the amount of wheat actually produced in 1941 on the farm and the applicant shall have the burden of proving that the actual average yield per acre of wheat on the farm in 1941 is less than the normal yield thereof. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the

findings of the county committee upon the questions of fact, and (3) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A notice on form Wheat 513, plainly marked "Revised", showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator. The notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, as affected by the determination of the farm marketing excess, may be made under section 363 of the Act. A copy of each notice, showing the date of mailing, shall be filed, together with such determination, among the records of the county committee, and upon request a copy of the notice or of the determination, duly certified as true and correct, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1941 on the farm. (Sec. 335(c), 375(b), 52 Stat. 54, 66, 53 Stat. 1126, 7 U.S.C. 1335(c), 1375(b), par. 3)

Sec. 406 Publication of Farm Data

(a) Preparation of form Wheat 510. -- The county committee shall prepare a list on form Wheat 510 of farms in the county for which farm marketing quotas and penalties are applicable showing for each farm (1) the farm serial number, (2) the name of the operator, (3) the farm acreage allotment, (4) the acreage of wheat, (5) the excess wheat acreage, (6) the normal yield of wheat per acre, and (7) the initial farm marketing excess. The form shall contain the statement that the farm marketing quota for each farm is the amount of wheat produced thereon in 1941 less the farm marketing excess.

(b) Distribution of form Wheat 510. -- The list prepared on form Wheat 510 shall be kept freely available for public inspection in the office of the county committee and a copy of it shall be posted for not less than 30 calendar days in a conspicuous place in the county. (Sec. 362, 52 Stat. 62, 7 U.S.C. 1362)

Sec. 407 Marketing Quotas Not Transferable

A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm. (Sec. 338, 52 Stat. 55, 7 U.S.C. 1338)

Sec. 408 Successors-in-Interest

Any person who succeeds to the interest of a producer in a farm, or in a wheat crop produced on a farm, for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of wheat. (Sec. 375(b), 52 Stat. 66, 7 U.S.C. 1375(b))

Sec. 402 Review of Quotas

(a) Review committees. -- Any producer who is dissatisfied with the farm marketing quota or farm marketing excess established for his farm may, by making application within 15 days after the mailing to him of the notice provided for in Secs. 404 and 405, have such marketing quota or marketing excess reviewed by a local review committee composed of three farmers appointed by the Secretary of Agriculture. Unless such application is made within 15 days, the farm marketing quota and farm marketing excess, as determined, shall be final. Applications for review shall be made in accordance with the Review Regulations (38-A.A.A.-2) issued by the Secretary of Agriculture.

(b) Court review. -- If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the Act. (Secs. 363, 364, 365, 52 Stat. 63, 7 U.S.C. 1363, 1364, 1365)

PART V. MARKETING CARDS AND CERTIFICATES

Sec. 501 Producers Eligible to Receive Marketing Cards

The county committee shall issue a marketing card (form wheat 511) to the operator and, unless the county committee finds that it will not serve a useful purpose, to other producers on each farm on which wheat is harvested in 1941 and for which (1) no farm marketing excess is determined, (2) the penalty on the farm marketing excess has been paid by the producer, as provided in Sec. 703, or by any buyer, as provided in Sec. 704, (3) the farm marketing excess has been stored, as provided in Sec. 708, or (4) the amount of the farm marketing excess has been delivered to the Secretary of Agriculture, through the county committee, as provided in Sec. 709. Each marketing card shall be serially numbered and shall show (1) the names of the State and county and code number thereof and the serial number of the farm, (2) the signature of a member of the county committee, (3) the name and address of the producer to whom issued, (4) the countersignature of the producer to whom the card is issued, or his duly authorized agent, and (5) any other information which the county committee considers to be necessary in identifying the farm for which the marketing card is issued. A marketing card shall not be issued to any producer on a farm for which measurements cannot be made as provided in Sec. 302, nor to any producer not eligible to receive a card under this section, except as provided in Sec. 901 to 905, inclusive. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 502 Issuing Marketing Cards to Multiple Farm Producers

Any producer who is interested in the production of wheat on more than one farm shall not be issued a marketing card for any farm in which he has an interest as a wheat producer until he is eligible to receive a marketing card for each of such farms in accordance with the provisions of Sec. 501. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall be issued marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of wheat in more than one county, the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms wherever situated if the county committees of the respective counties so decide, or if the State committee has reason to believe that the procedure would be necessary to enforce the provisions of the Act. Whenever such a procedure is followed, the State committee may require any producer so affected to file with it a list of all farms on which he is engaged in the production of wheat, together with any other pertinent data which are deemed to be necessary in enforcing the Act. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375 (a))

Sec. 503 Certificate that a Marketing Card Was Issued

The county committee shall, upon request, issue a certificate on form Wheat 511-A to any producer to whom a marketing card was issued and who desires to market wheat by telephone, telegraph, mail, or by any means or method other than directly to and in the presence of the buyer or transferee. Each form Wheat 511-A so issued shall show (1) the name and address of the producer to whom issued, (2) the name of the State and county and the code number thereof and the serial number for the farm, (3) the serial number of the marketing card issued to the producer for the farm, (4) the signature of a member of the county committee, (5) the name of the buyer or transferee, (6) the number of bushels of wheat involved in the transaction, and (7) the signature of the producer. The original marketing certificate shall be kept by the buyer and the duplicate copy shall be kept in the county office records. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 504 Lost, Destroyed, or Stolen Marketing Cards or Certificates

(a) Report of loss, destruction, or theft. -- In case a marketing card or certificate issued to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he be able, immediately notify the county committee of the following: (1) the name of the operator of the farm for which such marketing card or certificate was issued; (2) the name of the producer to whom the marketing card or certificate was issued, if someone other than the operator; (3) the serial number of the marketing card or certificate; (4) the description of the marketing card or certificate; and (5) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) Investigation and findings of county committee. -- The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card or certificate was in fact lost, destroyed, or stolen, it shall cancel such marketing card or certificate by giving notice to the producer to whom the card or certificate was issued that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last-known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion or connivance in connection therewith on the part of the producer to or for whom the marketing card or certificate was issued, it shall issue to or for him a marketing card or certificate to replace the lost, destroyed, or stolen marketing card or certificate. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "DUPLICATE". In case a marketing card is canceled, as provided for in this section, the county committee shall immediately notify the buyers, elevator operators, or

warehousemen in the county that the marketing card is canceled and of the issuance of any duplicate. The county committee shall notify the county committee of each adjoining county, which in turn shall notify the elevator operators, warehousemen, and buyers in their respective counties. Any person coming into possession of a canceled marketing card shall immediately return it to the county committee which issued it. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 505 Cancellation of Marketing Cards Issued in Error

Any marketing card erroneously issued shall, immediately upon discovery of the error, be canceled by the county committee. The producer to whom such card was issued shall be notified that the card is void and of no effect and that it shall be returned to the county committee. Upon the return of such card, the county committee shall endorse thereon the notation "Canceled". In the event that such marketing card is not returned immediately, the county committee shall immediately notify the elevator operators, warehousemen, and buyers in the county that the marketing card is canceled. The county committee shall also notify the county committees of each adjoining county, which shall in turn notify the elevator operators, warehousemen, and buyers in their respective counties. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing, shall be kept among the records of the county committee. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

PART VI. IDENTIFICATION OF WHEAT

Sec. 601 Time and Manner of Identification

Each producer of wheat and each intermediate buyer shall, at the time he markets any wheat, identify the wheat to the buyer or transferee in the manner hereinafter provided as being subject to or not subject to the penalty and the lien for the penalty provided in the Act and Resolution. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 602 Identification by Marketing Card

(a) Wheat marketed by the producer directly to and in the presence of the buyer.-- A marketing card (form Wheat 511) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the wheat with respect to which the marketing card was issued is not subject to the lien for penalty and may be purchased by him without the payment of any penalty.

(b) Wheat not marketed by the producer directly to and in the presence of the buyer.-- Where the marketing of wheat by a producer is effected by telephone, telegraph, or mail, or by any means or method other than directly to and in the presence of the buyer, a marketing certificate (form Wheat 511-A) properly executed in accordance with Sec. 503 by the county committee and the producer to

whom it was issued, shall, when presented by the producer to the buyer, be evidence to the buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without the payment of any penalty. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 603 Identification by Intermediate Buyer's Record and Report

The original and copy of an intermediate buyer's record and report (form Wheat 521) properly executed by the first intermediate buyer and the producer of the wheat, shall be evidence to any subsequent buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without the payment of any penalty in the event (1) the form Wheat 521 shows the serial number of the marketing card by which the wheat was identified, or (2) the original of form Wheat 521 bears the endorsement "Penalty satisfied" and the signature and title of a treasurer of a county committee and the date thereof. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 604 Wheat Not Identified by a Marketing Card or Certificate or an Intermediate Buyer's Record and Report

All wheat marketed by a producer which is not identified by a marketing card (form Wheat 511) or marketing certificate (form Wheat 511-A) as prescribed in these regulations and all wheat marketed by an intermediate buyer which is not identified in the manner outlined in Sec. 603 by form Wheat 521, properly executed by the first intermediate buyer and the producer of the wheat, shall be taken by the buyer thereof as wheat subject to penalty and the lien for penalty, and the buyer of such wheat shall pay the penalty thereon. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

PART VII. PENALTIES

Sec. 701 Rate of Penalty

The penalty shall be 48.45 cents per bushel. The rate of penalty is 50 percent of the basic rate of the loan on wheat for cooperators for the marketing year under Sec. 302 of the Act and paragraph 10 of the Resolution. The basic rate of the loan for cooperators is 96.9 cents per bushel. (Par. 2)

Sec. 702 Lien for Penalty

The entire amount of wheat produced in 1941 on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the producers on the farm store the farm marketing excess or deliver it to the Secretary of Agriculture or until the amount of the penalty is paid. (Par. 4)

Sec. 703 Payment of Penalties by Producers

(a) Producers liable for payment of penalties. - Each producer having an interest in the wheat produced in 1941 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of wheat produced on the farm.

(b) Time when penalties become due. - The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any wheat produced on the farm is threshed. The remittance of the amount of the penalty shall be made not later than sixty calendar days next succeeding the day on which the threshing of wheat produced on the farm is completed, or December 31, 1941, whichever is the earlier, provided, however, that the penalty on that amount of the farm marketing excess delivered to the Secretary of Agriculture pursuant to Sec. 709 shall not be remitted, and provided further that the penalty on that amount of the farm marketing excess which is stored pursuant to Sec. 708 shall not be remitted until the time, and to the extent, of any depletion in the amount of wheat so stored not authorized as provided in Sec. 708(d). (Sec. 375(b), Par. 2, 3, 52 Stat. 66, 7 U.S.C. 1375 (b))

Sec. 704 Payment of Penalties by Buyers

(a) Buyers liable for payment of penalties. - Each person within the United States who buys from the producer any wheat produced in 1941 on a farm for which the penalty on the farm marketing excess is not paid or for which the farm marketing excess is not stored or delivered to the Secretary of Agriculture shall pay the penalty on each bushel purchased

by him which was produced on the farm. The penalty on the farm marketing excess shall be taken not to have been paid, and the amount of the farm marketing excess shall be taken not to have been stored or delivered to the Secretary of Agriculture unless, at the time of sale, the producer presents to the buyer a marketing card (form Wheat 511) or a marketing certificate (form Wheat 511-A) issued to the producer.

(b) Payment of penalties on account of the lien for the penalty. - Each person within the United States who buys wheat which is subject to the lien for the penalty shall pay the amount of the penalty on each bushel thereof in satisfaction of the lien thereon. Wheat purchased from any producer or from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale, the producer presents to the purchaser a marketing card (form Wheat 511) or a marketing certificate (form Wheat 511-A) issued to the producer, or unless, at the time of sale, the intermediate buyer delivers to the purchaser the original and a copy of an intermediate buyer's record and report (form Wheat 521), properly executed by the producer of the wheat and the first intermediate buyer, which show (1) the serial number of the marketing card by which the wheat covered thereby was identified when marketed, or (2) on the reverse sides the statement "Penalty Satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

(c) Time when penalties become due. - The penalty to be paid by any buyer pursuant to paragraph (a) or (b) shall be due at the time the wheat is sold and shall be remitted not later than fifteen calendar days next succeeding the day on which the wheat was sold.

(d) Manner of deducting penalties and issuance of receipts. - The buyer may deduct from the price paid for any wheat an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) or (b). Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the wheat was purchased a receipt on form Wheat 512 or form Wheat 521, whichever is applicable, for the amount so deducted. (Sec. 375(b), 52 Stat. 66, 7 U.S.C. 1375 (b); Par. 8)

Sec. 705 Remittance of Penalties to the Treasurer of the County Committee

The treasurer of any county committee, for and on behalf of the Secretary of Agriculture, shall receive the penalty and issue to the person remitting the penalty a receipt therefor on form Wheat 517. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, or money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par and the receipt on form Wheat 517 issued in connection therewith shall bear a notation to that effect and a description of the check, draft, or money order. If the penalty is remitted by an intermediate buyer, the treasurer of the county committee shall, in addition

to issuing a receipt therefor on form Wheat 517, show that the penalty is paid by entering on the reverse side of the original and first copy of the intermediate buyer's record and report (form Wheat 521) the statement "Penalty satisfied" and his signature and title and the date thereof. (Sec. 372 (b), 52 Stat. 65, 7 U.S.C. 1372)

Sec. 706 Deposit of Funds

All funds received by the treasurer of the county committee in connection with penalties for wheat shall be scheduled and transmitted by him on the day received, or not later than the morning of the next succeeding business day, to the State committee, which shall cause such funds to be deposited to the credit of a special deposit account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (herein referred to as "special deposit account"). In the event the funds so received are in the form of cash, the treasurer of the county committee shall purchase a postal money order in the amount thereof, payable to the order of the Treasurer of the United States. The expense incurred by the treasurer of the county committee in purchasing postal money orders shall be paid by him in accordance with applicable procedure from the funds provided for the administrative expenses of the county agricultural conservation association. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the wheat in connection with which the funds were remitted. As soon as practicable after the farm marketing quota and farm marketing excess for any farm have been finally determined, the county committee and the treasurer of the county committee shall review the amount of the funds received for the farm and notify the State committee of the amounts thereof which are penalties to be covered into the general fund of the Treasury of the United States and the amounts thereof in excess of the amount due as the penalty. The State committee shall cause to be scheduled for transfer from the special deposit account and covered into the general fund of the Treasury of the United States the amount of the penalties so determined. (Sec. 372 (b), 52 Stat. 65, 7 U.S.C. 1372 (b))

Sec. 707 Refunds of Money in Excess of the Penalty

(a) Conditions under which refunds may be made. - The county committee and the treasurer of the county committee, upon their own notion or upon the request of any person who paid money as the penalty, shall review the amount of money paid to determine whether the amount so paid is in excess of that due as the penalty.

(b) Persons eligible to receive refunds of money paid in excess of the penalty. - Any refund pursuant to this section shall be made only to the person who bore the burden of the payment of the penalty and who has not been reimbursed therefor. No refund shall be made to any buyer or

transferee of any amount of money received from him as the penalty which he deducted from the price or consideration paid for the wheat or which the buyer was under a duty to pay.

(c) Determination of amounts of refunds. - The total amount of any refunds under this section shall not exceed the amount by which the total amount received for the farm exceeds the total penalties incurred by the producers on the farm. If the county committee and the treasurer of the county committee find that the money received with respect to the farm is not in excess of the total amount of the penalties incurred, no refund under this section shall be made to any person. If the money received with respect to the farm is in excess of the total amount of the penalty incurred in connection therewith, the amount of the excess shall first be applied, insofar as the sum of the excess will permit, so as to make refunds to eligible persons other than the producers on the farm, and the remainder, if any, shall then be applied so as to make a refund to each eligible producer on the farm in the amount of that proportion of the remainder which the amount which he bore the burden of paying bears to the total amount which all producers on the farm bore the burden of paying.

(d) Certification of refunds. - One member of the county committee, acting for the committee, and the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the treasurer of the county committee and transmitted by him to the State committee but has not been covered into the general fund of the Treasury of the United States.
(Sec. 375 (b), 52 Stat. 65, 7 U.S.C. 1375 (b))

Sec. 708 Storage of the Farm Marketing Excess

(a) Amount of wheat to be stored. - The number of bushels of wheat in connection with any farm to be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be a number of bushels not less than that portion of the farm marketing excess on which the penalty has not been paid and which has not been delivered to the Secretary of Agriculture. The amount of the farm marketing excess at the time of storage shall be determined on the basis of normal production under Sec. 403 or on the basis of actual production under Sec. 405.

(b) Deposit of warehouse receipts in escrow. - The storage of wheat in an elevator or warehouse in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when a warehouse receipt covering the amount of wheat to be stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be a negotiable receipt or a non-negotiable.

receipt as to which the warehouseman or elevator operator is notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the wheat covered thereby is to be made only under the terms of its deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the wheat is stored shall be and shall remain liable for all charges incident to the storage of the wheat and that the county committee and the United States shall in no way be responsible for or pay any such charges.

(c) Bond of indemnity. - The storage of wheat on the farm or elsewhere, other than by depositing a warehouse receipt in escrow, in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when a good and sufficient bond of indemnity on form Wheat 523 is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on the farm marketing excess. Each bond given pursuant to this paragraph shall be executed as principal by the owner or operator of the farm and as sureties by two persons, each owning real property (other than such owner or operator or producers) situated within the county with an unencumbered value of double the principal sum of the bond. The wheat so stored shall be kept in a place adapted to the storage of wheat and from the dimensions of which the amount of wheat stored therein may be ascertained. The storage of wheat under this paragraph shall be subject to the condition that the wheat so stored may be inspected at any time by officers and employees of the United States Department of Agriculture and members, officers, and employees of the State and county committees. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (d) and that if at any time the producers on the farm prevent the inspection of any wheat so stored the penalty on the entire amount stored shall be paid forthwith.

(d) Depletion of the amount stored. - The penalty on the amount of wheat stored, whether under paragraphs (b) or (c), shall be paid by the producers on the farm at the time, and to the extent, of any unauthorized depletion in the amount of wheat stored. The depletion of the amount of wheat stored is authorized in the following amounts and under the following conditions, and no penalty shall be due on the amount of depletion:

- (1) The amount stored may be reduced to the amount of the farm marketing excess for the farm as adjusted in accordance with Sec. 405 or Sec. 904;
- (2) the amount stored may be reduced to the amount of the farm marketing excess as determined by a review committee appointed by the Secretary of Agriculture to review farm marketing quotas for wheat or to the amount of the farm marketing excess determined as a result of a court review of the determination of the review committee; or (3) the amount stored may be reduced by fire, weather conditions, insect infestation, or any other cause beyond the control of the producer, provided the producer shows

beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done, or caused to be done, by him. The depletion of the amount of wheat stored in connection with any farm is likewise authorized if a farm marketing quota for the 1941 crop is not applicable to the farm or if the wheat produced thereon in 1941 is not subject to the penalty. (Par. 3, 5)

Sec. 709 Delivery of the Farm Marketing Excess to the Secretary of Agriculture

(a) Amount of wheat to be delivered. - The amount of wheat in connection with any farm to be delivered to the Secretary of Agriculture in order to avoid the payment of the penalty shall be equal to the amount of the farm marketing excess as determined, at the time of delivery, on the basis of normal production, in accordance with Sec. 403, or on the basis of actual production, in accordance with Sec. 405, less the amount of the farm marketing excess on which the penalty has been paid and less the amount thereof which has been stored in accordance with Sec. 708.

(b) Conditions and methods of delivery. - For and on behalf of the Secretary of Agriculture, the treasurer of the county committee for the county in which the farm for which the farm marketing excess is determined is situated shall accept the delivery of any wheat tendered to avoid the payment of the penalty. The delivery of the wheat for this purpose shall be effective only when the producers having an interest in the wheat to be so delivered convey to the Secretary of Agriculture all right, title, and interest in and to the wheat by executing form Wheat 522 and deliver the wheat to a wheat elevator or warehouse and tender to the treasurer of the county committee the elevator or warehouse receipts for the amount of the wheat. None of the wheat so delivered shall be returned to the producer. (Par. 3)

Sec. 710 Refund of Penalty Erroneously, Illegally, or Wrongfully Collected

Whenever, pursuant to a claim filed with the Secretary of Agriculture within the time prescribed by law after payment to him of the penalty collected from any person, the Secretary of Agriculture finds that the penalty was erroneously, illegally, or wrongfully collected, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary of Agriculture. (Sec. 372 (c), 52 Stat. 65, 204, 54 Stat. 728, 7 U.S.C. 1372 (c))

Sec. 711 Report of Violations and Court Proceedings to Collect Penalty

It shall be the duty of the county committee to report in writing to the State committee each case of failure or refusal to pay the penalty

or to remit the same to the Secretary of Agriculture when collected. It shall be the duty of the State committee to report each such case in writing in quadruplicate to the United States Department of Agriculture with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the Act. (Sec. 376, 52 Stat. 66, 7 U.S.C. 1376)

PART VIII. RECORDS AND REPORTS

Sec. 801 Records to be Kept and Reports to be made by Warehousemen, Elevator Operators, Feeders, and Other Processors

(a) Necessity for records and reports. - Each warehouseman, elevator operator, feeder, or other processor who buys, acquires, or receives wheat from the producer or intermediate buyer thereof shall, in conformity with section 373(a) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of Title III of the Act and of the Resolution.

(b) Nature of and availability of records. - Each warehouseman, elevator operator, feeder, or other processor shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) the name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of wheat, (4) the serial number of the marketing card (form Wheat 511), or marketing certificate (form Wheat 511-A), or intermediate buyer's record and report (form Wheat 521) by which the wheat was identified, or the report and penalty receipt (form Wheat 512), and (5) the amount of any penalty in connection with the wheat purchased, acquired, or received by him. The record so made shall be kept available for examination by the Secretary of Agriculture or his authorized representatives, and by members of the State and county committees and their officers and employees, for two calendar years beyond the calendar year in which the marketing year ends, for the purpose of ascertaining the correctness of any report made or record kept pursuant to these regulations, or of obtaining the information required to be furnished in any report pursuant to these regulations but not so furnished. The county committee shall furnish, without cost, blank copies of forms Wheat 520 which may be used for the purpose of keeping the record required under this paragraph.

(c) Records and reports in connection with wheat not identified by a marketing card or certificate or intermediate buyer's record and report. - Each warehouseman, elevator operator, feeder, or other processor who purchases any wheat from the producer thereof which is not identified when marketed by a marketing card (form Wheat 511) or marketing certificate (form Wheat 511-A) issued to the producer, or purchases or acquires any wheat from an intermediate buyer which is not identified when marketed by the original and a copy of an intermediate buyer's record and report (form Wheat 521), properly executed by the producer of the wheat and the first intermediate buyer, shall, with respect to each such transaction, make a record on form Wheat 512 and report thereon to the treasurer of the county committee the following

information: (1) the name and address of the producer or intermediate buyer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the amount of wheat, and (4) the amount of the penalty incurred in connection with the transaction, and whether an amount equivalent to the penalty was deducted from the price or consideration paid for the wheat. Each record and report on form Wheat 512 shall be executed in triplicate. The warehouseman, elevator operator, feeder, or other processor by whom it is executed shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, and mail or deliver the remaining copy to the treasurer of the county committee. The original of form Wheat 512 given to the producer or intermediate buyer, as the case may be, shall be the receipt to him for the amount of the penalty in connection with the wheat. It shall be presumed that wheat was not identified by forms Wheat 511, 511-A, or 521 if the serial number of the marketing card or marketing certificate or intermediate buyer's record and report does not appear on the records required to be kept pursuant to paragraph (b).

(d) Records and reports in connection with wheat identified by intermediate buyer's records and reports. - Each warehouseman, elevator operator, feeder, or other processor who purchases or acquires any wheat identified by an intermediate buyer's record and report (form Wheat 521) shall make a report in connection with the transaction by forwarding to the treasurer of the county committee the original of form Wheat 521 executed by the producer of the wheat and the first intermediate buyer. The copy of form Wheat 521 shall be retained by the warehouseman, elevator operator, feeder, or other processor as a record in connection with the transaction.

(e) Records in connection with wheat identified by marketing certificate. - Each warehouseman, elevator operator, feeder, or other processor who purchases or acquires wheat by telephone, telegraph, or mail, or by any means or method other than directly from and in the presence of a producer, shall secure the original of the marketing certificate (form Wheat 511-A) from the producer, and retain it as a record of the transaction. (Sec. 373(a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 802 Records to be Kept and Reports to be Made by Intermediate Buyers

(a) Necessity for records and reports. - Each intermediate buyer shall, in conformity with section 373(a) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of Title III of the Act and of the Resolution.

(b) Form of record and report in connection with wheat marketed by producers. - Each intermediate buyer who purchases or acquires any wheat from the producer thereof shall, with respect to each such

transaction, keep a record and make a report on form Wheat 521 of the following information: (1) the name and address of the producer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the names of the county and State in which the wheat was produced, (4) the amount of wheat, and (5) the serial number of the marketing card by which the producer identified the wheat at the time it was marketed, or the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the wheat. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the certificate thereon. One copy of form Wheat 521 so executed shall be retained by the producer as his receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the wheat. One copy of form Wheat 521 so executed shall be retained by the intermediate buyer as his record in connection with the transaction.

(c) Manner of making reports. - The original and a copy of the report (form Wheat 521) shall be delivered to the warehouseman, elevator operator, feeder, or other processor to whom the wheat covered thereby is marketed. In the event the wheat covered by the report is marketed to another intermediate buyer, the original and a copy of the report (form Wheat 521) shall accompany each transaction between one intermediate buyer and another intermediate buyer, and the last intermediate buyer shall deliver them to the warehouseman, elevator operator, feeder, or other processor. The intermediate buyer shall mail or deliver the original of the report to the treasurer of the county committee where the wheat is not marketed or delivered to a warehouseman, elevator operator, feeder, or other processor. (Sec. 373(a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 803 Time and place of submitting reports

Each report required by Sec. 801 or 802 shall be submitted, not later than 15 calendar days next succeeding the day on which the wheat was marketed to a warehouseman, elevator operator, feeder, or other processor, to the treasurer of the county committee for the county in which the wheat was so marketed or, if there is no such county committee, to the State Committee for the State in which the wheat was so marketed. (Sec. 373(a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 804 Buyer's Special Reports

In the event that the county committee or State Committee has reason to believe that any buyer has failed or refused to comply with these regulations, the buyer shall within 15 days after a written request therefor by the county committee is deposited in the United States mails, registered and addressed to him at his last-known address,

make a report on form Wheat 520 to such committee of all wheat purchased or acquired by him from the producer thereof up to and including the day such report is made. Such report shall include the following information for each lot of wheat so purchased or acquired by such buyer: (1) the name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of wheat, (4) the serial number of the marketing card (form Wheat 511), marketing certificate (form Wheat 511-A), or intermediate buyer's record and report (form Wheat 521), or the report and penalty receipt (form Wheat 512), and (5) the amount of penalty in connection with the wheat purchased or acquired. (Sec. 373(a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 805 Penalty for Failure or Refusal to Keep Records and Make Reports

Any person required to keep the records or make the reports specified in Secs. 801, 802, or 804 and who fails to keep any such record or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the Act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500 for each such offense. (Sec. 373 (a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 806 Records to be Kept and Reports to be Made by Producers

Each person who in 1941 harvests wheat which is subject to the provisions of these regulations shall, in conformity with section 373(b) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out, with respect to wheat, the provisions of title III of the Act and of the Resolution. The operator of each farm in connection with which a farm marketing excess is determined and for which a marketing card is not issued under Sec. 501 or 904 or 905 shall file with the treasurer of the county committee for the county in which the farm is located a report on form Wheat 519 showing for the farm the following information: (1) the total number of bushels of wheat produced thereon in 1941, (2) the name and address of each buyer or transferee of any wheat, (3) the amount of wheat marketed to him, (4) the amount equivalent to the penalty which was deducted from the price or consideration received for the wheat, and (5) the amount of unmarketed wheat of the 1941 crop on hand. The report in connection

with any such farm shall be made not later than 15 days after all wheat in connection with the farm is marketed or not later than December 31, 1941, whichever is the earlier. Upon the request of the county committee, the operator of any other farm shall make a similar report within 15 days after the request therefor is made. (Sec. 373(b), 52 Stat. 65, 7 U.S.C. 1373(b))

Sec. 807 Data to be Kept Confidential

Except as otherwise provided herein, all data reported to or acquired by the Secretary of Agriculture pursuant to and in the manner provided in these regulations shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State Committees, county agents, and officers and employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any wheat, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the Act and Resolution and then only in a suit or administrative hearing under Title III of the Act and the Resolution. (Sec. 373 (c), 52 Stat. 65, 7 U.S.C. 1373(c))

Sec. 808 Enforcement

It shall be the duty of the county committee to report in writing to the State Committee forthwith each case of failure or refusal to make any report or keep any record as required by these regulations and each case of making any false report or record. It shall be the duty of the State Committee to report each such case in writing, in quadruplicate, to the United States Department of Agriculture with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of Title III of the Act and of the Resolution. (Sec. 376, 52 Stat. 66, 7 U.S.C. 1376)

IX. SPECIAL PROVISIONS AND EXEMPTIONS

Sec. 901 Farms on which the Acreage Planted is Not in Excess of Fifteen Acres.

(a) Conditions of exemption. - A farm marketing quota for wheat for the 1941 crop shall not be applicable to any farm on which the acreage of wheat seeded for the 1941 crop is not in excess of fifteen acres. The penalty shall likewise not be applicable to any wheat of the 1941 or any previous crop produced on or marketed from such farm.

(b) Issuing marketing cards. - The county committee shall, for each farm to which a farm marketing quota is not applicable under the conditions of paragraph (a), issue a marketing card to the operator, and, unless the county committee determines that it will not serve a useful purpose, to other producers on the farm, in the manner provided in Sec. 501.

Sec. 902 Farms on which the Normal Production of the Acreage Planted is Less than Two Hundred Bushels

(a) Conditions of exemption. - A farm marketing quota for wheat for the 1941 crop shall not be applicable to any farm on which the normal production of the acreage planted to wheat of the 1941 crop is less than two hundred bushels. The penalty shall likewise not be applicable to any wheat of the 1941 or any previous crop produced on or marketed from such farm.

(b) Issuing marketing cards. - The county committee shall, for each farm to which a farm marketing quota is not applicable under the conditions of paragraph (a), issue a marketing card to the operator and, unless the county committee determines that it will not serve a useful purpose, to other producers on the farm, in the manner provided in Sec. 501. (Sec. 335(d), 375(a), 52 Stat. 55, 66, 54 Stat. 232, 7 U.S.C. 1335(d), 1375(a))

Sec. 903 Experimental Wheat Farms

(a) Conditions of exemption. - The penalty shall not apply to the marketing of any wheat of the 1941 crop grown for experimental purposes only by any publicly owned agricultural experiment station.

(b) Issuing marketing cards. - The county committee shall, upon the written application of a responsible executive officer of any publicly owned agricultural experiment station to which the exemption referred to in paragraph (a) is applicable, issue a marketing card for the experiment station in the manner provided in Sec. 501. (Sec. 372(d), 375(a), 52 Stat. 65, 66, 204, 7 U.S.C. 1372(d), 1375(a))

Sec. 904 Non-allotment Farms

(a) Amount of farm marketing excess. - The farm marketing excess for any non-allotment farm to which a farm marketing quota is applicable shall be determined in the manner outlined in Secs. 403 and 405 prior to the time the acreage of wheat harvested thereon in 1941 is ascertained as provided for in Sec. 302. When the acreage of wheat harvested on any non-allotment farm to which a farm marketing quota is applicable is ascertained, the farm marketing excess for the farm shall be the normal production of the excess wheat acreage. The excess wheat acreage for the farm shall be that acreage of wheat harvested on the farm which is in excess of 15 acres or the farm acreage allotment for the farm, whichever is the larger. The farm marketing excess so determined shall be final unless an application for an adjustment in the amount of the farm marketing excess is made by the operator or any other producer having an interest in the wheat produced in 1941 on the farm. When it is determined by the Secretary of Agriculture, through the county committee, pursuant to the application for an adjustment, that the actual production of the excess wheat acreage for the farm is less than the normal production thereof, the amount of the farm marketing excess shall be the actual production of the excess wheat acreage for the farm. The procedure in connection with an application for an adjustment in the farm marketing excess for a non-allotment farm shall be governed by the provisions of Sec. 405(b).

(b) Notice of farm marketing quota and farm marketing excess. The notice of the farm marketing quota and farm marketing excess for any non-allotment farm shall be given in accordance with Sec. 404. In the event the notice for any non-allotment farm is given for a farm marketing excess determined under Sec. 403 and the amount of the farm marketing excess is revised on the basis of the harvested acreage as provided in paragraph (a) of this section, the county committee shall mail to the operator of the farm a new notice on form Wheat 513 of the revised amount of the farm marketing excess. The new notice so given shall supersede the former notice and the right of the producer to a review of the farm marketing quota and farm marketing excess as revised shall not be affected by the giving of the former notice. The new notice shall contain at or near the top thereof the following statement: "This notice supersedes any notice previously given."

(c) Issuing marketing cards. - The county committee shall, for each non-allotment farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner, and subject to the conditions, specified in Secs. 501 to 505, inclusive. (Sec. 362, 375(a), 52 Stat. 62, 66, Par. 77, 7 U.S.C. 1362, 1375(a))

Sec. 905 Non-allotment Farms on which the Acreage of Wheat Harvested Does not Exceed the Usual Acreage

(a) Conditions of exemption. - The penalty shall not apply to wheat produced in 1941 on any non-allotment farm to which a farm

marketing quota is applicable and on which the acreage of wheat harvested in 1941 is in excess of 15 acres or the farm acreage allotment therefor, whichever is the larger, provided the acreage of wheat harvested thereon in 1941 is not in excess of the usual acreage determined for the farm under the 1941 Agricultural Conservation Program, and, provided further, the county committee determines that an amount of wheat equal to the farm marketing excess for the farm will be used for farm consumption and will not be marketed. The farm marketing excess for the farm shall be determined in accordance with Sec. 904(a). Wheat used for farm consumption for the purposes of this section shall be wheat consumed (1) by the producer's family, employees, or household, or by his work stock, or by livestock or poultry on his farm if such livestock or poultry, or the products thereof, are consumed or are to be consumed by the producer's family, employees, or household; (2) as seed by the producers on the farm in planting wheat; or (3) as a premium to the Federal Crop Insurance Corporation. The county committee, in determining whether the amount of the farm marketing excess will be used for farm consumption, shall take into consideration the purposes for which the wheat was grown and the number of bushels of wheat which, in view of the practices customarily followed by the producer, would normally be required for farm consumption.

(b) Issuing marketing cards. - The county committee shall, for each non-allotment farm to which the exemption referred to in paragraph (a) is applicable, issue a marketing card to the operator and, unless the county committee determines that it will not serve a useful purpose, to other producers on the farm, in the manner provided in Sec. 501. (Sec. 375(a), Par. 7, 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 906 Non-allotment Farms on which the Acreage of Wheat Harvested Does not Exceed Three Acres Per Family

(a) Conditions of exemption. - The penalty shall not apply to wheat produced in 1941 on any non-allotment farm to which a farm marketing quota is applicable and on which the acreage of wheat harvested in 1941 is in excess of 15 acres or the farm acreage allotment therefor, whichever is the larger, and to which the provisions of Sec. 905 are not applicable, provided the acreage of wheat harvested thereon in 1941 is not in excess of 3 acres for each farm family living on the farm and, provided further, no wheat produced in 1941 on the farm is marketed by sale. The provisions of this section shall be applicable only to non-allotment farms situated in the East Central Region and all States in the Southern Region except the States of Texas and Oklahoma and the following counties in Arkansas: Baxter, Benton, Boone, Carroll, Independence, Madison, Marion, Randolph (Area II), Sharp, Stone, and Washington.

(b) Marketing cards. - A marketing card shall not be issued to any producer on any farm to which the exemption referred to in paragraph (a) is applicable. (Sec. 375(a), Par. 7, 52 Stat. 66, 7 U.S.C. 1375(a))

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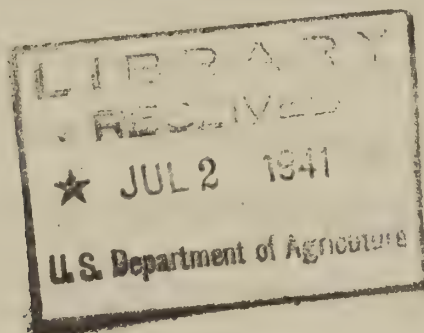
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Issued May 31, 1941

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
Washington, D. C.

REGULATIONS PERTAINING TO WHEAT MARKETING
QUOTAS FOR THE 1941 CROP OF WHEAT



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REGULATIONS PERTAINING TO WHEAT MARKETING QUOTAS FOR THE
1941 CROP OF WHEAT

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31; 7 U.S.C. 1301 et seq.), as amended, and Public Law No. 74, 77th Congress, approved May 26, 1941, I do make, prescribe, publish, and give public notice of the following regulations governing wheat marketing quotas for the 1941 crop of wheat, to be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture or acting Secretary of Agriculture under said Act. 1/

Part I. DEFINITIONS AND ISSUANCE OF FORMS AND INSTRUCTIONS

Section 101. Issuance of Forms and Instructions and Definitions

(a) Issuance of forms and instructions. -- The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions and such forms as may be required to carry out these regulations. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the appropriate county committee or the Administrator.

(b) Definitions. As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural:

(1) ACT: The Agricultural Adjustment Act of 1938 and any amendments thereto.

(2) RESOLUTION: Public Law No. 74, 77th Congress, approved May 26, 1941.

(3) SECRETARY OF AGRICULTURE: The Secretary of Agriculture of the United States.

(4) ADMINISTRATOR: The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture.

(5) REGIONAL DIRECTOR: The director of the division of the Agricultural Adjustment Administration in charge of the administration of

1/ Unless otherwise indicated, all references in the text to sections relate to these regulations. All section and paragraph references at the end of sections are to sections of the Agricultural Adjustment Act of 1938, as amended, and paragraphs of Public Law No. 74, 77th Congress, approved May 26, 1941, respectively.

sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended (hereinafter referred to as the Soil Conservation and Domestic Allotment Act), in the region.

(6) WESTERN REGION: The area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(7) NORTH CENTRAL REGION: The area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(8) SOUTHERN REGION: The area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(9) EAST CENTRAL REGION: The area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(10) NORTHEAST REGION: The area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(11) STATE COMMITTEE: The group of persons appointed by the Secretary of Agriculture to assist within any State in the administration of the Soil Conservation and Domestic Allotment Act.

(12) COMMITTEE: A committee within a county or community utilized under the Soil Conservation and Domestic Allotment Act. "County committee," "community committee," or "local committee" shall have corresponding meanings in the connection in which they are used.

(13) TREASURER OF THE COUNTY COMMITTEE: The treasurer of the county agricultural conservation association or the treasurer of the county committee, as the case may be.

(14) REVIEW COMMITTEE: The review committee appointed by the Secretary of Agriculture as provided in section 363 of the Act.

(15) PERSON: An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State or an agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(16) OWNER OR LANDLORD: A person who owns farm land and rents such land to another person or operates such land.

(17) TENANT: A person who rents land from another person (for cash, a fixed-commodity payment, or a share of the crops or their

proceeds) and is entitled under a written or oral lease or agreement to receive all or a share of the crops or their proceeds produced thereon.

(18) SHARECROPPER: A person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

(19) OPERATOR: A person who as owner, landlord, or tenant is operating a farm.

(20) PRODUCER or FARMER: A person who, as owner, landlord, tenant, or sharecropper, is entitled to all or a share of the wheat crop or the proceeds thereof produced on the farm in 1941.

(21) BUYER: A person who buys wheat.

(22) TRANSFEREE: A person who acquires wheat from a producer or any other person by barter, exchange, or gift inter vivos.

(23) INTERMEDIATE BUYER: Any buyer or transferee who purchases or acquires any wheat prior to the time the wheat so purchased or acquired has been marketed to a warehouseman, elevator operator, feeder, or other processor.

(24) FARM: All adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling on the farm is situated or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(25) NON-ALLOTMENT FARM: A farm classified as a non-wheat-allotment farm under the 1941 Agricultural Conservation Program (formulated under the Soil Conservation and Domestic Allotment Act).

(26) **ALLOTMENT FARM:** A farm classified as a wheat-allotment farm under the 1941 Agricultural Conservation Program.

(27) **FARM ACREAGE ALLOTMENT:** A wheat acreage allotment established for a farm under Sec. 204.

(28) **ACREAGE OF WHEAT:** In the case of an allotment farm the acreage seeded to wheat, plus any acreage of volunteer or "self-seeded" wheat which is not disposed of in accordance with instructions issued by the Agricultural Adjustment Administration, but before the maturity of the wheat, and, in the case of a non-allotment farm, the acreage of wheat harvested as grain or in any manner after the wheat matures as grain; Provided, That an acreage not in excess of the larger of 3 acres or 3 percent of the farm acreage allotment for the farm, unintentionally planted in excess of the farm acreage allotment for the farm, will not be considered as seeded to wheat if disposed of in a manner and within the time specified by the Regional Director. Wheat seeded in a mixture will not be considered acreage of wheat if the mixture may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed. If, however, such crops other than wheat fail to reach maturity and the wheat does reach maturity, the acreage devoted to such crops will be considered to be acreage of wheat.

(29) **EXCESS WHEAT ACREAGE:** An acreage of wheat determined for the farm under Sec. 403 or Sec. 901 to 906, inclusive, whichever is applicable.

(30) **NORMAL YIELD:** The number of bushels of wheat established as the normal yield per acre for the farm under Sec. 205.

(31) **ACTUAL YIELD:** The number of bushels of wheat determined by dividing the number of bushels of wheat produced on the farm in 1941 by the 1941 acreage of wheat on the farm.

(32) **NORMAL PRODUCTION OF ANY NUMBER OF ACRES:** The normal yield per acre of wheat for the farm times such number of acres.

(33) **ACTUAL PRODUCTION OF ANY NUMBER OF ACRES:** The actual yield of wheat per acre for the farm times such number of acres.

(34) **CARRYOVER WHEAT:** The number of bushels of wheat of any previous crop which the producer had on hand at the beginning of the harvest of the 1941 crop.

(35) **FARM MARKETING QUOTA:** The wheat marketing quota established under the Act and Resolution for the farm for the 1941 crop.

(36) **FARM MARKETING EXCESS:** The amount of wheat determined for any farm under Sec. 403, 405, or 901 to 906, inclusive, whichever is applicable.

(37) **MARKETING YEAR:** The period beginning on July 1, 1941, and ending with June 30, 1942, both dates inclusive.

(38) **MARKET:** To dispose of wheat, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos, or by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or are to be so disposed of, but does not include disposing of wheat as premium to the Federal Crop Insurance Corporation.

(i) The term "sale" means any transfer of title to wheat by a producer by any means other than barter, exchange, or gift inter vivos.

(ii) The terms "barter" and "exchange" mean transfer of title to wheat by a producer in return for wheat or other commodities, services, or property in cases where the value of the wheat or such other commodities, services, or property is not considered in terms of money, or the transfer of title to wheat by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of wheat in lieu of a cash charge for harvesting or milling wheat (commonly called "toll wheat").

(iii) The term "gift inter vivos" means any transfer of title accompanied by delivery of wheat by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed," "marketing," and "for market" shall have meanings corresponding to the term "market" in the connection in which they are used.

(39) **PENALTY:** The penalty provided in paragraph 2 of the Resolution. (Sec. 375, 52 Stat. 66, 7 U.S.C. 1375)

Part II. ALLOTMENTS AND YIELDS

Sec. 201. National Acreage Allotment

The national acreage allotment of wheat for the 1941 crop of wheat was determined by the Secretary of Agriculture to be 62,000,000 acres, as published in the Federal Register on May 15, 1940, Vol. 5, p. 1725 (daily edition). The national acreage allotment for the 1941 crop of wheat is the acreage which the Secretary of Agriculture so determined would, on the basis of the national average yield of wheat, produce an amount of wheat adequate, together with the estimated carry-over on July 1, 1941, to make available a supply for the marketing year beginning July 1, 1941, equal to a normal year's domestic consumption and exports plus 30 per centum thereof. National average yield of wheat is the national average yield per acre of wheat during the ten calendar years 1930-39, adjusted for abnormal weather conditions and for trends in yields. Carry-over of wheat for the 1941-42 marketing year is the quantity of wheat on hand in the United States on July 1, 1941, not including any wheat which was produced in the United States in 1941, and not including any wheat held by the Federal Crop Insurance Corporation. Normal year's domestic consumption of wheat is the yearly average quantity of wheat, wherever produced, that was consumed in the United States during the ten marketing years 1929-30 to 1938-39, adjusted for current trends in such consumption. Normal year's exports of wheat is the yearly average quantity of wheat produced in the United States that was exported from the United States during the ten marketing years 1929-30 to 1938-39, adjusted for current trends in such exports. (Sec. 333, 52 Stat. 53, 775, 53 Stat. 1125, 7 U.S.C. 1333)

Sec. 202. State Acreage Allotments

The national acreage allotment of wheat for the 1941 crop was apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1930-1939 (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period. The State acreage allotments for the 1941 crop of wheat were determined by the Secretary of Agriculture, as published in the Federal Register on May 15, 1940, Vol. 5, p. 1726 (daily edition). (Sec. 334 (a), 52 Stat. 53, 7 U.S.C. 1334 (a)).

Sec. 203. County Acreage Allotments

Each State acreage allotment for the 1941 crop of wheat was apportioned by the Secretary of Agriculture among the counties in the State on the basis of the acreage seeded for the production of wheat during the ten calendar years 1930-39 (plus, in applicable years, the acreage diverted under previous agricultural adjustment

and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices. Said county acreage allotments of wheat were published in the Federal Register on May 2, 1941, Vol. 6, p. 2226 (daily edition). Sec. 334(b), 52 Stat. 53, 203, 7 U.S.C. 1334 (b)).

Sec. 204. Farm Acreage Allotments

Each county acreage allotment for the 1941 crop of wheat was apportioned by the Secretary of Agriculture, through the local committees, among the farms within the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment was apportioned to farms on which wheat had not been planted for the 1938, 1939, or 1940 crop. (Sec. 334 (c), 52 Stat. 53, 7 U.S.C. 1334 (c)).

Sec. 205. Normal Yields

(a) Farms for which normal yields were determined. - The Secretary of Agriculture, through the local committees in each county, determined the normal yield per acre of wheat for each farm on which wheat was planted for the 1941 crop.

(b) Yields based on reliable records. - Where reliable records of the actual average yield of wheat per acre for all of the ten years 1930 to 1939, inclusive, were presented by the farmer or were available to the county committee, the normal yield per acre of wheat for the farm was determined to be the average of such yields, adjusted for abnormal weather conditions and trends in yields.

(c) Appraised yields. - If for any year of the 10-year period 1930 to 1939, inclusive, (1) records of the actual average yield were not available, or (2) there was no actual yield, the normal yield per acre of wheat for the farm was appraised by the county committee, taking into consideration abnormal weather conditions, the normal yield for the county, and the yields in years for which data were available. The appraised yields so obtained were adjusted in accordance with paragraph (d) of this section.

(d) Adjustments in appraised yields. - The yields determined under paragraph (c) were adjusted so that the average of the normal yields per acre of wheat determined for all farms in the county (weighted by the wheat acreage allotments established for such farms) was not in excess of the county normal yield per acre of wheat established for 1941 by the Secretary of Agriculture and published in the Federal Register on January 3, 1941, Vol. 6, p. 45 (daily edition). (Sec. 301(b) (13) (A) and (E), 52 Stat. 41, 42, 202, 54 Stat. 727, 1211, 7 U.S.C. 1301 (b)).

Sec. 206. Applicability of Detailed Instructions

The detailed instructions for carrying out the provisions of Sec. 201 through Sec. 205 are contained in the following documents:

"Regulations Pertaining to Farm Acreage Allotments and Normal Yields for the 1941 Crop of Wheat (as revised)", issued by the Secretary of Agriculture, published in the Federal Register on March 26, 1940 and on April 23, 1941, Vol. 5, p. 1148, and Vol. 6, p. 2077 (daily edition), respectively.

East Central Region: ECR-437, "1941 Wheat Allotment Procedure."

North Central Region: NCR-510-W, "Instructions for Determining Wheat Acreage Allotments for 1941."

Northeast Region: NER-501, "Procedure for Determining Wheat Acreage Allotments."

Southern Region: SRB-502, "Instructions for Determining Farm Wheat Acreage Allotments and Normal Yields under the 1941 Agricultural Conservation Program."

Western Region: WR-501, "County Office Procedure for Determining 1941 Farm Acreage Allotments, Yields, Productivity Indexes, and Carrying Capacities of Noncrop Pasture, and for preparing Notification to Farmers and for Handling Appeals." (Sec. 375, 52 Stat. 66, 7 U.S.C. 1375).

PART III. FARM IDENTIFICATION AND MEASUREMENTS

Sec. 301. Identification of Farms

Each farm as operated in the calendar year 1941 shall be identified by a farm serial number for the marketing year, assigned by the county committee, which shall not be changed, and all records pertaining to marketing quotas for the 1941 crop of wheat for such farm shall carry the farm serial number. (Sec. 374, 52 Stat. 65, 7 U.S.C. 1374).

Sec. 302. Provision for Measuring Farms

The county committee shall provide for measuring each farm in the county on which wheat was seeded for the 1941 crop. The measuring of any farm shall be done in accordance with the established procedure used by the Agricultural Adjustment Administration. (Sec. 374, 52 Stat. 65, 7 U.S.C. 1374).

Sec. 303. Report of Farms for Which a Farm Marketing Excess is Determined.

A record shall be kept of the measurements made on all farms and there shall be filed with the State committee a written report on form Wheat 514 setting forth for each farm for which a farm marketing excess is determined and to which a penalty is applicable (1) the farm serial number, (2) the name of the operator, (3) the name of each person having an interest in the wheat crop produced thereon in 1941 or in the proceeds thereof, (4) the total acreage in cultivation on the farm, (5) the farm acreage allotment, and (6) the acreage of wheat. (Sec. 374, 52 Stat. 65, 7 U.S.C. 1374).

PART IV. FARM MARKETING QUOTAS

Sec. 401 Marketing Quotas in Effect

Marketing quotas shall be in effect for the 1941 crop of wheat. (Sec. 335(a), 52 Stat. 54, 7 U.S.C. 1335(a); par. 1).

Sec. 402 Amount of Farm Marketing Quota

The farm marketing quota for any farm for the 1941 crop of wheat shall be that number of bushels of wheat produced on the farm in 1941 less the amount of the farm marketing excess for the farm. (Sec. 335(c), 52 Stat. 54, 53 Stat. 1126, 7 U.S.C. 1335(c); par. 1)

Sec. 403 Initial Farm Marketing Excess

The initial farm marketing excess for any farm shall be the normal production of the excess wheat acreage for the farm. The excess wheat acreage for any farm shall, except as provided in Secs. 901 to 906, inclusive, whichever is applicable, be that acreage of wheat on the farm which is in excess of the farm acreage allotment. The normal production of the excess wheat acreage shall be the normal yield per acre established for the farm times the excess wheat acreage. The initial farm marketing excess shall not be changed or adjusted unless and until it is determined, in accordance with Sec. 405, that the actual production in 1941 of the excess wheat acreage is less than the normal production thereof. (Sec. 335(c), 375(b), 52 Stat. 54, 66, 53 Stat. 1126, 7 U.S.C. 1335(c), 1375(b); par. 1,3)

Sec. 404 Notice of Farm Marketing Quota and Farm Marketing Excess

As soon as practicable after measurements for a farm are made, the county committee shall mail a written notice on form Wheat 513 to the operator of each farm for which a farm marketing quota is applicable. Such notice shall contain 1941 farm information consisting of the State and county code and farm serial number, the name and address of the farm operator, the acreage of wheat, the 1941 wheat acreage allotment, the normal yield, the farm marketing quota, the excess wheat acreage, and the farm marketing excess for 1941. The amount of the farm marketing excess shall be determined in accordance with Sec. 403. The notice to the operator shall constitute notice to all persons interested in the 1941 wheat crop and shall contain thereon a brief statement to the effect that, if, upon application to the county committee, in accordance with Sec. 405, it is shown that the actual average yield per acre is less than the normal yield for the farm, the amount of the farm marketing excess will be adjusted in accordance with Sec. 405. The notice shall contain also a brief statement of the procedure whereby application for a review of the farm marketing quota may be made under Section 363 of the Act and a statement that the farm marketing excess may be stored or delivered to the Secretary of Agriculture in order to postpone or avoid the payment of the penalty. A copy of each notice on form Wheat 513, showing the date the notice was mailed to the operator of the farm, shall be kept among the records of the county committee, and upon request a copy thereof, duly certified as true and correct, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1941 on the farm for which the notice was given. If measurements cannot be

made for any farm, the notice pursuant to this section shall be in the form of a letter, containing the information outlined above with the exception of the 1941 acreage of wheat, the excess wheat acreage, and the farm marketing excess, and notifying the operator that the amount of the farm marketing excess is the amount of wheat produced in 1941 on the farm until the excess wheat acreage is determined and that it is issued in lieu of the notice on form Wheat 513 because the operator or owner prevented the measurement of the farm. (Sec. 362, 52 Stat. 62, 7 U.S.C. 1362).

Sec. 405 Adjusted Farm Marketing Excess

(a) Farm marketing excess adjusted for actual production.

The initial farm marketing excess as determined pursuant to Sec. 403 shall not be adjusted until an application for an adjustment in the amount of the farm marketing excess is made to the county committee. When it is determined by the Secretary of Agriculture, through the county committee, pursuant to such an application, that the actual average yield per acre for the farm is less than the normal yield thereof, the farm marketing excess for the farm shall be adjusted to the amount of the actual production of the excess wheat acreage. The actual production of the excess wheat acreage shall be the actual average yield per acre for the farm times the excess wheat acreage.

(b) Procedure in connection with an application for an adjustment in the farm marketing excess. An application for an adjustment in the amount of the farm marketing excess on the basis of actual production may be made by any producer having an interest in the wheat produced in 1941 on the farm. The application shall be made to the county committee not later than 60 days after the threshing of wheat produced on the farm is completed or December 31, 1941, whichever is the earlier. The county committee shall keep a record of each application so made and the time thereof. The county committee shall fix a time at which each application will be considered and shall notify the applicant thereof. Insofar as practicable, applications shall be considered in the order in which made. The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of evidence presented to it by the applicant. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Any such hearing shall be open to the public. The consideration of any application shall be confined to the determination of the amount of wheat actually produced in 1941 on the farm and the applicant shall have the burden of proving that the actual average yield per acre of wheat on the farm in 1941 is less than the normal yield thereof. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county

committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the questions of fact, and (3) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A notice on form Wheat 513, plainly marked "Revised", showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator. The notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, as affected by the determination of the farm marketing excess, may be made under section 363 of the Act. A copy of each notice, showing the date of mailing, shall be filed, together with such determination, among the records of the county committee, and upon request a copy of the notice or of the determination, duly certified as true and correct, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1941 on the farm. (Sec. 335(c), 375(b), 52 Stat. 54, 66, 53 Stat. 1126, 7 U.S.C. 1335(c), 1375(b), par. 3)

Sec. 406 Publication of Farm Data.

In addition to the copies of form Wheat 513 required under Sec. 404, the county committee shall prepare one additional copy for each farm in the county for which a farm marketing quota is applicable. These additional copies shall be arranged alphabetically by communities and such copies for each community placed in a separate folder. These folders shall be posted in the office of the county committee in such a manner that they will be freely available for public inspection for a period of not less than 30 calendar days, and at the end of such period shall be filed so that they will remain readily available for further public inspection. (Sec. 362, 52 Stat. 62, 7 U.S.C. 1362)

Sec. 407 Marketing Quotas Not Transferable

A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm. (Sec. 338, 52 Stat. 55, 7 U.S.C. 1338)

Sec. 408 Successors-in-Interest

Any person who succeeds to the interest of a producer in a farm, or in a wheat crop produced on a farm, for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of wheat. (Sec. 375(b), 52 Stat. 66, 7 U.S.C. 1375(b))

Sec. 409 Review of Quotas

(a) Review committees. -- Any producer who is dissatisfied with the farm marketing quota or farm marketing excess established for his farm may, by making application within 15 days after the mailing to him of the notice provided for in Secs. 404 and 405, have such marketing quota or marketing excess reviewed by a local review committee composed of three farmers appointed by the Secretary of Agriculture. Unless such application is made within 15 days, the farm marketing quota and farm marketing excess, as determined, shall be final. Applications for review shall be made in accordance with the Review Regulations (38-A.A.A.-2) issued by the Secretary of Agriculture.

(b) Court review. -- If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the Act. (Secs. 363, 364, 365, 52 Stat. 63, 7 U.S.C. 1363, 1364, 1365).

PART V. MARKETING CARDS AND CERTIFICATES

Sec. 501 Producers Eligible to Receive Marketing Cards

The county committee shall issue a marketing card (form Wheat 511) to the operator and, unless the county committee finds that it will not serve a useful purpose, to other producers on each farm on which wheat is harvested in 1941 and for which (1) no farm marketing excess is determined, (2) the penalty on the farm marketing excess has been paid by the producer, as provided in Sec. 703, or by any buyer, as provided in Sec. 704, (3) the farm marketing excess has been stored, as provided in Sec. 708, or (4) the amount of the farm marketing excess has been delivered to the Secretary of Agriculture, through the county committee, as provided in Sec. 709. Each marketing card shall be serially numbered and shall show (1) the names of the State and county and code number thereof and the serial number of the farm, (2) the signature of a member of the county committee, (3) the name and address of the producer to whom issued, (4) the countersignature of the producer to whom the card is issued, or his duly authorized agent, and (5) any other information which the county committee considers to be necessary in identifying the farm for which the marketing card is issued. A marketing card shall not be issued to any producer on a farm for which measurements cannot be made as provided in Sec. 302, nor to any producer not eligible to receive a card under this section, except as provided in Sec. 901 to 905, inclusive. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 502 Issuing Marketing Cards to Multiple Farm Producers

Any producer who is interested in the production of wheat on more than one farm shall not be issued a marketing card for any farm in which he has an interest as a wheat producer until he is eligible to receive a marketing card for each of such farms in accordance with the provisions of Sec. 501. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall be issued marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of wheat in more than one county, the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms wherever situated if the county committees of the respective counties so decide, or if the State committee has reason to believe that the procedure would be necessary to enforce the provisions of the Act. Whenever such a procedure is followed, the State Committee may require any producer so affected to file with it a list of all farms on which he is engaged in the production of wheat, together with any other pertinent data which are deemed to be necessary in enforcing the Act. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 503 Certificate that a Marketing Card Was Issued

The county committee shall, upon request, issue a certificate on form Wheat 511-A to any producer to whom a marketing card was issued and who desires to market wheat by telephone, telegraph, mail, or by any means or method other than directly to and in the presence of the buyer or transferee. Each form Wheat 511-A so issued shall show (1) the name and address of the producer to whom issued, (2) the name of the State and county and the code number thereof and the serial number for the farm, (3) the serial number of

the marketing card issued to the producer for the farm, (4) the signature of a member of the county committee, (5) the name of the buyer or transferee, (6) the number of bushels of wheat involved in the transaction, and (7) the signature of the producer. The original marketing certificate shall be kept by the buyer and the duplicate copy shall be kept in the county office records. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 504 Lost, Destroyed, or Stolen Marketing Cards or Certificates

(a) Report of loss, destruction, or theft. -- In case a marketing card or certificate issued to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he be able, immediately notify the county committee of the following: (1) the name of the operator of the farm for which such marketing card or certificate was issued; (2) the name of the producer to whom the marketing card or certificate was issued, if someone other than the operator; (3) the serial number of the marketing card or certificate; (4) the description of the marketing card or certificate; and (5) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) Investigation and findings of county committee. -- The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card or certificate was in fact lost, destroyed, or stolen, it shall cancel such marketing card or certificate by giving notice to the producer to whom the card or certificate was issued that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last-known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion or connivance in connection therewith on the part of the producer to or for whom the marketing card or certificate was issued, it shall issue to or for him a marketing card or certificate to replace the lost, destroyed, or stolen marketing card or certificate. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "DUPLICATE". In case a marketing card is canceled, as provided for in this section, the county committee shall immediately notify the buyers, elevator operators, or warehousemen in the county that the marketing card is canceled and of the issuance of any duplicate. The county committee shall notify the county committee of each adjoining county, which in turn shall notify the elevator operators, warehousemen, and buyers in their respective counties. Any person coming into possession of a canceled marketing card shall immediately return it to the county committee which issued it. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 505 Cancellation of Marketing Cards Issued in Error

Any marketing card erroneously issued shall, immediately upon discovery of the error, be canceled by the county committee. The producer to whom such card was issued shall be notified that the card is void and of no effect and that it shall be returned to the county committee. Upon the return of such card, the county committee shall endorse thereon the notation "Canceled". In the event that such marketing card is not returned immediately, the county committee shall immediately notify the elevator operators, warehousemen, and

buyers in the county that the marketing card is canceled. The county committee shall also notify the county committees of each adjoining county, which shall in turn notify the elevator operators, warehousemen, and buyers in their respective counties. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing, shall be kept among the records of the county committee. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

PART VI. IDENTIFICATION OF WHEAT

Sec. 601 Time and Manner of Identification

Each producer of wheat and each intermediate buyer shall, at the time he markets any wheat, identify the wheat to the buyer or transferee in the manner hereinafter provided as being subject to or not subject to the penalty and the lien for the penalty provided in the Act and Resolution. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 602 Identification by Marketing Card

(a) Wheat marketed by the producer directly to and in the presence of the buyer. — A marketing card (form Wheat 511) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the wheat with respect to which the marketing card was issued is not subject to the lien for penalty and may be purchased by him without the payment of any penalty.

(b) Wheat not marketed by the producer directly to and in the presence of the buyer. — Where the marketing of wheat by a producer is effected by telephone, telegraph, or mail, or by any means or method other than directly to and in the presence of the buyer, a marketing certificate (form Wheat 511-A) properly executed in accordance with Sec. 503 by the county committee and the producer to whom it was issued, shall, when presented by the producer to the buyer, be evidence to the buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without the payment of any penalty. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 603 Identification by Intermediate Buyer's Record and Report

The original and copy of an intermediate buyer's record and report (form Wheat 521) properly executed by the first intermediate buyer and the producer of the wheat, shall be evidence to any subsequent buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without the payment of any penalty in the event (1) the form Wheat 521 shows the serial number of the marketing card by which the wheat was identified, or (2) the original of form Wheat 521 bears the endorsement "Penalty satisfied" and the signature and title of a treasurer of a county committee and the date thereof. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 604 Wheat Not Identified by a Marketing Card or Certificate or an Intermediate Buyer's Record and Report

All wheat marketed by a producer which is not identified by a marketing card (form Wheat 511) or marketing certificate (form Wheat 511-A) as prescribed in these regulations and all wheat marketed by an intermediate buyer which is not identified in the manner outlined in Sec. 603 by form Wheat 521, properly executed by the first intermediate buyer and the producer of the wheat, shall be taken by the buyer thereof as wheat subject to penalty and the lien for penalty, and the buyer of such wheat shall pay the penalty thereon. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

PART VII. PENALTIES

Sec. 701 Rate of Penalty

The penalty shall be 49 cents per bushel. The rate of penalty is 50 percent of the basic rate of the loan on wheat for cooperators for the marketing year under Sec. 302 of the Act and paragraph 10 of the Resolution. The basic rate of the loan for cooperators is 98 cents per bushel. (Par. 2)

Sec. 702 Lien for Penalty

The entire amount of wheat produced in 1941 on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the producers on the farm store the farm marketing excess or deliver it to the Secretary of Agriculture or until the amount of the penalty is paid. (Par. 4)

Sec. 703 Payment of Penalties by Producers

(a) Producers liable for payment of penalties. - Each producer having an interest in the wheat produced in 1941 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of wheat produced on the farm.

(b) Time when penalties become due. - The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any wheat produced on the farm is threshed. The remittance of the amount of the penalty shall be made not later than sixty calendar days next succeeding the day on which the threshing of wheat produced on the farm is completed, or December 31, 1941, whichever is the earlier, provided, however, that the penalty on that amount of the farm marketing excess delivered to the Secretary of Agriculture pursuant to Sec. 709 shall not be remitted, and provided further that the penalty on that amount of the farm marketing excess which is stored pursuant to Sec. 708 shall not be remitted until the time, and to the extent, of any depletion in the amount of wheat so stored not authorized as provided in Sec. 708(d). (Sec. 375(b), Par. 2, 3, 52 Stat. 66, 7 U.S.C. 1375 (b))

Sec. 704 Payment of Penalties by Buyers

(a) Buyers liable for payment of penalties. - Each person within the United States who buys from the producer any wheat produced in 1941 on a farm for which the penalty on the farm marketing excess is not paid or for which the farm marketing excess is not stored or delivered to the Secretary of Agriculture shall pay the penalty on each bushel purchased by him which was produced on the farm. The penalty on the farm marketing excess shall be taken not to have been paid, and the amount of the

farm marketing excess shall be taken not to have been stored or delivered to the Secretary of Agriculture unless, at the time of sale, the producer presents to the buyer a marketing card (form Wheat 511) or a marketing certificate (form Wheat 511-A) issued to the producer.

(b) Payment of penalties on account of the lien for the penalty. - Each person within the United States who buys wheat which is subject to the lien for the penalty shall pay the amount of the penalty on each bushel thereof in satisfaction of the lien thereon. Wheat purchased from any producer or from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale, the producer presents to the purchaser a marketing card (form Wheat 511) or a marketing certificate (form Wheat 511-A) issued to the producer, or unless, at the time of sale, the intermediate buyer delivers to the purchaser the original and a copy of an intermediate buyer's record and report (form Wheat 521), properly executed by the producer of the wheat and the first intermediate buyer, which show (1) the serial number of the marketing card by which the wheat covered thereby was identified when marketed, or (2) on the reverse sides the statement "Penalty Satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

(c) Time when penalties become due. - The penalty to be paid by any buyer pursuant to paragraph (a) or (b) shall be due at the time the wheat is sold and shall be remitted not later than fifteen calendar days next succeeding the day on which the wheat was sold.

(d) Manner of deducting penalties and issuance of receipts. - The buyer may deduct from the price paid for any wheat an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) or (b). Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the wheat was purchased a receipt on form Wheat 512 or form Wheat 521, whichever is applicable, for the amount so deducted. (Sec. 375(b), 52 Stat. 66, 7 U.S.C. 1375 (b); Par. 8)

Sec. 705 Remittance of Penalties to the Treasurer of the County Committee

The treasurer of any county committee, for and on behalf of the Secretary of Agriculture, shall receive the penalty and issue to the person remitting the penalty a receipt therefor on form Wheat 517. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, or money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par and the receipt on form Wheat 517 issued in connection therewith shall bear a notation to that effect and a description of the check, draft, or money order. If the penalty is remitted by an intermediate buyer, the treasurer of the county committee shall, in addition to issuing a receipt therefor on form Wheat 517, show that the penalty is paid by entering on the reverse side of the original and first copy of the intermediate buyer's record and

report (form Wheat 521) the statement "Penalty satisfied" and his signature and title and the date thereof. (Sec. 372 (b), 52 Stat. 65, 7 U.S.C. 1372)

Sec. 706 Deposit of Funds

All funds received by the treasurer of the county committee in connection with penalties for wheat shall be scheduled and transmitted by him on the day received, or not later than the morning of the next succeeding business day, to the State committee, which shall cause such funds to be deposited to the credit of a special deposit account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (herein referred to as "special deposit account"). In the event the funds so received are in the form of cash, the treasurer of the county committee shall purchase a postal money order in the amount thereof, payable to the order of the Treasurer of the United States. The expense incurred by the treasurer of the county committee in purchasing postal money orders shall be paid by him in accordance with applicable procedure from the funds provided for the administrative expenses of the county agricultural conservation association. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the wheat in connection with which the funds were remitted. As soon as practicable after the farm marketing quota and farm marketing excess for any farm have been finally determined, the county committee and the treasurer of the county committee shall review the amount of the funds received for the farm and notify the State committee of the amounts thereof which are penalties to be covered into the general fund of the Treasury of the United States and the amounts thereof in excess of the amount due as the penalty. The State committee shall cause to be scheduled for transfer from the special deposit account and covered into the general fund of the Treasury of the United States the amount of the penalties so determined. (Sec. 372 (b), 52 Stat. 65, 7 U.S.C. 1372 (b))

Sec. 707 Refunds of Money in Excess of the Penalty

(a) Conditions under which refunds may be made. - The county committee and the treasurer of the county committee, upon their own motion or upon the request of any person who paid money as the penalty, shall review the amount of money paid to determine whether the amount so paid is in excess of that due as the penalty.

(b) Persons eligible to receive refunds of money paid in excess of the penalty. - Any refund pursuant to this section shall be made only to the person who bore the burden of the payment of the penalty and who has not been reimbursed therefor. No refund shall be made to any buyer or transferee of any amount of money received from him as the penalty which he deducted from the price or consideration paid for the wheat or which the buyer was under a duty to pay.

(c) Determination of amounts of refunds. - The total amount of any refunds under this section shall not exceed the amount by which the total amount received for the farm exceeds the total penalties incurred by the producers on the farm. If the county committee and the treasurer of the county committee find that the money received with respect to the farm is not in excess of the total amount of the penalties incurred, no refund under this section shall be made to any person. If the money received with respect to the farm is in excess of the total amount of the penalty incurred in connection therewith, the amount of the excess shall first be applied, insofar as the sum of the excess will permit, so as to make refunds to eligible persons other than the producers on the farm, and the remainder, if any, shall then be applied so as to make a refund to each eligible producer on the farm in the amount of that proportion of the remainder which the amount which he bore the burden of paying bears to the total amount which all producers on the farm bore the burden of paying.

(d) Certification of refunds. - One member of the county committee, acting for the committee, and the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the treasurer of the county committee and transmitted by him to the State committee but has not been covered into the general fund of the Treasury of the United States. (Sec. 375 (b), 52 Stat. 65, 7 U.S.C. 1375 (b))

Sec. 708 Storage of the Farm Marketing Excess

(a) Amount of wheat to be stored. - The number of bushels of wheat in connection with any farm to be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be a number of bushels not less than that portion of the farm marketing excess on which the penalty has not been paid and which has not been delivered to the Secretary of Agriculture. The amount of the farm marketing excess at the time of storage shall be determined on the basis of normal production under Sec. 403 or on the basis of actual production under Sec. 405.

(b) Deposit of warehouse receipts in escrow. - The storage of wheat in an elevator or warehouse in order to postpone the payment of the penalty or with a view to avoiding such penalty shall, except as provided in paragraph (c) of this section, be effective only when a warehouse receipt covering the amount of wheat to be stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be a negotiable receipt or a non-negotiable receipt as to which the warehouseman or elevator operator is notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the wheat covered thereby is to be made only under the terms of its deposit in escrow while such receipt remains so deposited. Any warehouse receipt

so deposited shall be accepted only upon the condition that the producers by or for whom the wheat is stored shall be and shall remain liable for all charges incident to the storage of the wheat and that the county committee and the United States shall in no way be responsible for or pay any such charges.

(c) Bond of indemnity and funds in escrow. - The storage of wheat on the farm or elsewhere, other than by depositing a warehouse receipt in escrow, in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when either (1) a good and sufficient bond of indemnity on form Wheat 523 is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on the farm marketing excess, or (2) an amount of money not less than the penalty on the farm marketing excess is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty. Each bond given pursuant to this paragraph shall be executed as principal by the owner or operator of the farm and as sureties by two persons, each owning real property (other than such owner or operator or producers) situated within the county with an unencumbered value of double the principal sum of the bond. Any funds delivered to be held in escrow to secure the payment of the penalty shall be only in legal tender or in the form of a certified check, cashier's check, or money order drawn payable to the order of the Treasurer of the United States and shall be deposited as provided for in Sec. 706. The treasurer of the county committee shall issue a receipt for such funds on form Wheat 517 to the person who tenders such funds which shall be received subject to collection and payment at par. The wheat so stored shall be kept in a place adapted to the storage of wheat and from the dimensions of which the amount of wheat stored therein may be ascertained. The storage of wheat under this paragraph shall be subject to the condition that the wheat so stored may be inspected at any time by officers and employees of the United States Department of Agriculture and members, officers, and employees of the State and county committees. Each bond of indemnity and deposit of funds in escrow shall be subject to the conditions that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (d) and that if at any time the producers on the farm prevent the inspection of any wheat so stored the penalty on the entire amount stored shall be paid forthwith.

(d) Depletion of the amount stored. - The penalty on the amount of wheat stored, whether under paragraphs (b) or (c), shall be paid by the producers on the farm at the time, and to the extent, of any unauthorized depletion in the amount of wheat stored. The depletion of the amount of wheat stored is authorized in the following amounts and under the following conditions, and no penalty shall be due on the amount of depletion: (1) The amount stored may be reduced to the amount of the farm marketing excess for the farm as adjusted in accordance with Sec. 405 or Sec. 904; (2) the amount stored may be reduced to the amount of the farm marketing excess as determined by a review committee appointed by the Secretary of Agriculture to review farm marketing quotas for wheat or to the amount of the farm marketing excess determined as a result of a court review of the determination of the review committee; or (3) the

amount stored may be reduced by fire, weather conditions, insect infestation, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done, or caused to be done, by him. The depletion of the amount of wheat stored in connection with any farm is likewise authorized if a farm marketing quota for the 1941 crop is not applicable to the farm or if the wheat produced thereon in 1941 is not subject to the penalty. (Par. 3, 5)

Sec. 709 Delivery of the Farm Marketing Excess to the Secretary of Agriculture

(a) Amount of wheat to be delivered. - The amount of wheat in connection with any farm to be delivered to the Secretary of Agriculture in order to avoid the payment of the penalty shall be equal to the amount of the farm marketing excess as determined, at the time of delivery, on the basis of normal production, in accordance with Sec. 403, or on the basis of actual production, in accordance with Sec. 405, less the amount of the farm marketing excess on which the penalty has been paid and less the amount thereof which has been stored in accordance with Sec. 708.

(b) Conditions and methods of delivery. - For and on behalf of the Secretary of Agriculture, the treasurer of the county committee for the county in which the farm for which the farm marketing excess is determined is situated shall accept the delivery of any wheat tendered to avoid the payment of the penalty. The delivery of the wheat for this purpose shall be effective only when the producers having an interest in the wheat to be so delivered convey to the Secretary of Agriculture all right, title, and interest in and to the wheat by executing form Wheat 522 and deliver the wheat to a wheat elevator or warehouse and tender to the treasurer of the county committee the elevator or warehouse receipts for the amount of the wheat. None of the wheat so delivered shall be returned to the producer. (Par. 3)

Sec. 710 Refund of Penalty Erroneously, Illegally, or Wrongfully Collected

Whenever, pursuant to a claim filed with the Secretary of Agriculture within the time prescribed by law after payment to him of the penalty collected from any person, the Secretary of Agriculture finds that the penalty was erroneously, illegally, or wrongfully collected, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary of Agriculture. (Sec. 372 (c), 52 Stat. 65, 204, 54 Stat. 728, 7 U.S.C. 1372 (c))

Sec. 711 Report of Violations and Court Proceedings to Collect Penalty

It shall be the duty of the county committee to report in writing

to the State committee each case of failure or refusal to pay the penalty or to remit the same to the Secretary of Agriculture when collected. It shall be the duty of the State committee to report each such case in writing in quadruplicate to the United States Department of Agriculture with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the Act. (Sec. 376, 52 Stat. 66, 7 U.S.C. 1376)

PART VIII. RECORDS AND REPORTS

Sec. 801 Records to be Kept and Reports to be made by Warehousemen, Elevator Operators, Feeders, and Other Processors

(a) Necessity for records and reports. - Each warehouseman, elevator operator, feeder, or other processor who buys, acquires, or receives wheat from the producer or intermediate buyer thereof shall, in conformity with section 373(a) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of Title III of the Act and of the Resolution.

(b) Nature of and availability of records. - Each warehouseman, elevator operator, feeder, or other processor shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) the name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of wheat, (4) the serial number of the marketing card (form Wheat 511), or marketing certificate (form Wheat 511-A), or intermediate buyer's record and report (form Wheat 521) by which the wheat was identified, or the report and penalty receipt (form Wheat 512), and (5) the amount of any penalty in connection with the wheat purchased, acquired, or received by him. The record so made shall be kept available for examination by the Secretary of Agriculture or his authorized representatives, and by members of the State and county committees and their officers and employees, for two calendar years beyond the calendar year in which the marketing year ends, for the purpose of ascertaining the correctness of any report made or record kept pursuant to these regulations, or of obtaining the information required to be furnished in any report pursuant to these regulations but not so furnished. The county committee shall furnish, without cost, blank copies of forms Wheat 520 which may be used for the purpose of keeping the record required under this paragraph.

(c) Records and reports in connection with wheat not identified by a marketing card or certificate or intermediate buyer's record and report. - Each warehouseman, elevator operator, feeder, or other processor who purchases any wheat from the producer thereof which is not identified when marketed by a marketing card (form Wheat 511) or marketing certificate (form Wheat 511-A) issued to the producer, or purchases or acquires any wheat from an intermediate buyer which is not identified when marketed by the original and a copy of an intermediate buyer's record and report (form Wheat 521), properly executed by the producer of the wheat and the first intermediate buyer, shall, with respect to each such transaction, make a record on form Wheat 512 and report thereon to the treasurer of the county committee the following information: (1) the name and address of the producer or intermediate buyer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the amount of wheat, and (4) the amount of the

penalty incurred in connection with the transaction, and whether an amount equivalent to the penalty was deducted from the price or consideration paid for the wheat. Each record and report on form Wheat 512 shall be executed in triplicate. The warehouseman, elevator operator, feeder, or other processor by whom it is executed shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, and mail or deliver the remaining copy to the treasurer of the county committee. The original of form Wheat 512 given to the producer or intermediate buyer, as the case may be, shall be the receipt to him for the amount of the penalty in connection with the wheat. It shall be presumed that wheat was not identified by forms Wheat 511, 511-A, or 521 if the serial number of the marketing card of marketing certificate or intermediate buyer's record and report does not appear on the records required to be kept pursuant to paragraph (b).

(d) Records and reports in connection with wheat identified by intermediate buyer's records and reports. - Each warehouseman, elevator operator, feeder, or other processor who purchases or acquires any wheat identified by an intermediate buyer's record and report (form Wheat 521) shall make a report in connection with the transaction by forwarding to the treasurer of the county committee the original of form Wheat 521 executed by the producer of the wheat and the first intermediate buyer. The copy of form Wheat 521 shall be retained by the warehouseman, elevator operator, feeder, or other processor as a record in connection with the transaction.

(e) Records in connection with wheat identified by marketing certificate. - Each warehouseman, elevator operator, feeder, or other processor who purchases or acquires wheat by telephone, telegraph, or mail, or by any means or method other than directly from and in the presence of a producer, shall secure the original of the marketing certificate (form Wheat 511-A) from the producer, and retain it as a record of the transaction. (Sec. 373(a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 802 Records to be Kept and Reports to be Made by Intermediate Buyers

(a) Necessity for records and reports. - Each intermediate buyer shall, in conformity with section 373(a) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of Title III of the Act and of the Resolution.

(b) Form of record and report in connection with wheat marketed by producers. - Each intermediate buyer who purchases or acquires any wheat from the producer thereof shall, with respect to each such transaction, keep a record and make a report on form Wheat 521 of the following information: (1) the name and address of the producer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the names of the county and State in which the wheat was produced, (4) the amount of wheat, and (5) the serial number of the

marketing card by which the producer identified the wheat at the time it was marketed, or the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the wheat. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the certificate thereon. One copy of form Wheat 521 so executed shall be retained by the producer as his receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the wheat. One copy of form Wheat 521 so executed shall be retained by the intermediate buyer as his record in connection with the transaction.

(c) Manner of making reports. - The original and a copy of the report (form Wheat 521) shall be delivered to the warehouseman, elevator operator, feeder, or other processor to whom the wheat covered thereby is marketed. In the event the wheat covered by the report is marketed to another intermediate buyer, the original and a copy of the report (form Wheat 521) shall accompany each transaction between one intermediate buyer and another intermediate buyer, and the last intermediate buyer shall deliver them to the warehouseman, elevator operator, feeder, or other processor. The intermediate buyer shall mail or deliver the original of the report to the treasurer of the county committee where the wheat is not marketed or delivered to a warehouseman, elevator operator, feeder, or other processor. (Sec. 373(a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 803 Time and place of submitting reports

Each report required by Sec. 801 or 802 shall be submitted, not later than 15 calendar days next succeeding the day on which the wheat was marketed to a warehouseman, elevator operator, feeder, or other processor, to the treasurer of the county committee for the county in which the wheat was so marketed or, if there is no such county committee, to the State Committee for the State in which the wheat was so marketed. (Sec. 373(a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 804 Buyer's Special Reports

In the event that the county committee or State Committee has reason to believe that any buyer has failed or refused to comply with these regulations, the buyer shall within 15 days after a written request therefor by the county committee is deposited in the United States mails, registered and addressed to him at his last-known address, make a report on form Wheat 520 to such committee of all wheat purchased or acquired by him from the producer thereof up to and including the day such report is made. Such report shall include the following information for each lot of wheat so purchased or acquired by such buyer: (1) the name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of wheat, (4) the serial number of the marketing card (form Wheat 511), marketing certificate (form Wheat 511-A), or intermediate buyer's record and report (form Wheat 521),

or the report and penalty receipt (form Wheat 512), and (5) the amount of penalty in connection with the wheat purchased or acquired. (Sec. 373(a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 805 Penalty for Failure or Refusal to Keep Records and Make Reports

Any person required to keep the records or make the reports specified in Secs. 801, 802, or 804 and who fails to keep any such record or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the Act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500 for each such offense. (Sec. 373 (a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 806 Records to be Kept and Reports to be Made by Producers

Each person who in 1941 harvests wheat which is subject to the provisions of these regulations shall, in conformity with section 373(b) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out, with respect to wheat, the provisions of title III of the Act and of the Resolution. The operator of each farm in connection with which a farm marketing excess is determined and for which a marketing card is not issued under Sec. 501 or 904 or 905 shall file with the treasurer of the county committee for the county in which the farm is located a report on form Wheat 519 showing for the farm the following information: (1) the total number of bushels of wheat produced thereon in 1941, (2) the name and address of each buyer or transferee of any wheat, (3) the amount of wheat marketed to him, (4) the amount equivalent to the penalty which was deducted from the price or consideration received for the wheat, and (5) the amount of unmarketed wheat of the 1941 crop on hand. The report in connection with any such farm shall be made not later than 15 days after all wheat in connection with the farm is marketed or not later than December 31, 1941, whichever is the earlier. Upon the request of the county committee, the operator of any other farm shall make a similar report within 15 days after the request therefor is made. (Sec. 373(b), 52 Stat. 65, 7 U.S.C. 1373(b))

Sec. 807 Data to be Kept Confidential

Except as otherwise provided herein, all data reported to or acquired by the Secretary of Agriculture pursuant to and in the manner provided in these regulations shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State Committees, county agents, and officers and employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any wheat, farm, or transaction

covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the Act and Resolution and then only in a suit or administrative hearing under Title III of the Act and the Resolution. (Sec. 373 (c), 52 Stat. 65, 7 U.S.C. 1373(c))

Sec. 808 Enforcement

It shall be the duty of the county committee to report in writing to the State Committee forthwith each case of failure or refusal to make any report or keep any record as required by these regulations and each case of making any false report or record. It shall be the duty of the State Committee to report each such case in writing, in quadruplicate, to the United States Department of Agriculture with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of Title III of the Act and of the Resolution. (Sec. 376, 52 Stat. 66, 7 U.S.C. 1376)

IX. SPECIAL PROVISIONS AND EXEMPTIONS

Sec. 901 Farms on which the Acreage Planted is Not in Excess of Fifteen Acres.

(a) Conditions of exemption. - A farm marketing quota for wheat for the 1941 crop shall not be applicable to any farm on which the acreage of wheat seeded for the 1941 crop is not in excess of fifteen acres. The penalty shall likewise not be applicable to any wheat of the 1941 or any previous crop produced on or marketed from such farm.

(b) Issuing marketing cards. - The county committee shall, for each farm to which a farm marketing quota is not applicable under the conditions of paragraph (a), issue a marketing card to the operator, and, unless the county committee determines that it will not serve a useful purpose, to other producers on the farm, in the manner provided in Sec. 501

Sec. 902 Farms on which the Normal Production of the Acreage Planted is Less than Two Hundred Bushels

(a) Conditions of exemption. - A farm marketing quota for wheat for the 1941 crop shall not be applicable to any farm on which the normal production of the acreage planted to wheat of the 1941 crop is less than two hundred bushels. The penalty shall likewise not be applicable to any wheat of the 1941 or any previous crop produced on or marketed from such farm.

(b) Issuing marketing cards. - The county committee shall, for each farm to which a farm marketing quota is not applicable under the conditions of paragraph (a), issue a marketing card to the operator and, unless the county committee determines that it will not serve a useful purpose, to other producers on the farm, in the manner provided in Sec. 501. (Sec. 335(d), 375(a), 52 Stat. 55, 66, 54 Stat. 232, 7 U.S.C. 1335(d), 1375(a))

Sec. 903 Experimental Wheat Farms

(a) Conditions of exemption. - The penalty shall not apply to the marketing of any wheat of the 1941 crop grown for experimental purposes only by any publicly owned agricultural experiment station.

(b) Issuing marketing cards. - The county committee shall, upon the written application of a responsible executive officer of any publicly owned agricultural experiment station to which the exemption referred to in paragraph (a) is applicable, issue a marketing card for the experiment station in the manner provided in Sec. 501. (Sec. 372(d), 375(a), 52 Stat. 65, 66, 204, 7 U.S.C. 1372(d), 1375(a))

Sec. 904 Non-allotment Farms

(a) Amount of farm marketing excess. - The farm marketing excess for any non-allotment farm to which a farm marketing quota is applicable shall be determined in the manner outlined in Secs. 403 and 405 prior to the time the acreage of wheat harvested thereon in 1941 is ascertained as provided for in Sec. 302. When the acreage of wheat harvested on any non-allotment farm to which a farm marketing quota is applicable is ascertained, the farm marketing excess for the farm shall be the normal production of the excess wheat acreage. The excess wheat acreage for the farm shall be that acreage of wheat harvested on the farm which is in excess of 15 acres or the farm acreage allotment for the farm, whichever is the larger. The farm marketing excess so determined shall be final unless an application for an adjustment in the amount of the farm marketing excess is made by the operator or any other producer having an interest in the wheat produced in 1941 on the farm. When it is determined by the Secretary of Agriculture, through the county committee, pursuant to the application for an adjustment, that the actual production of the excess wheat acreage for the farm is less than the normal production thereof, the amount of the farm marketing excess shall be the actual production of the excess wheat acreage for the farm. The procedure in connection with an application for an adjustment in the farm marketing excess for a non-allotment farm shall be governed by the provisions of Sec. 405(b).

(b) Notice of farm marketing quota and farm marketing excess. The notice of the farm marketing quota and farm marketing excess for any non-allotment farm shall be given in accordance with Sec. 404. In the event the notice for any non-allotment farm is given for a farm marketing excess determined under Sec. 403 and the amount of the farm marketing excess is revised on the basis of the harvested acreage as provided in paragraph (a) of this section, the county committee shall mail to the operator of the farm a new notice on form Wheat 513 of the revised amount of the farm marketing excess. The new notice so given shall supersede the former notice and the right of the producer to a review of the farm marketing quota and farm marketing excess as revised shall not be affected by the giving of the former notice. The new notice shall contain at or near the top thereof the following statement: "This notice supersedes any notice previously given."

(c) Issuing marketing cards. - The county committee shall, for each non-allotment farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner, and subject to the conditions, specified in Secs. 501 to 505, inclusive. (Sec. 362, 375(a), 52 Stat. 62, 66, Par. 77, 7 U.S.C. 1362, 1375(a))

Sec. 905 Non-allotment Farms on which the Acreage of Wheat Harvested Does not Exceed the Usual Acreage

(a) Conditions of exemption. - The penalty shall not apply to wheat produced in 1941 on any non-allotment farm to which a farm

marketing quota is applicable and on which the acreage of wheat harvested in 1941 is in excess of 15 acres or the farm acreage allotment therefor, whichever is the larger, provided the acreage of wheat harvested thereon in 1941 is not in excess of the usual acreage determined for the farm under the 1941 Agricultural Conservation Program, and, provided further, the county committee determines that an amount of wheat equal to the farm marketing excess for the farm will be used for farm consumption and will not be marketed. The farm marketing excess for the farm shall be determined in accordance with Sec. 904(a). Wheat used for farm consumption for the purposes of this section shall be wheat consumed (1) by the producer's family, employees, or household, or by his work stock, or by livestock or poultry on his farm if such livestock or poultry, or the products thereof, are consumed or are to be consumed by the producer's family, employees, or household; (2) as seed by the producers on the farm in planting wheat; or (3) as a premium to the Federal Crop Insurance Corporation. The county committee, in determining whether the amount of the farm marketing excess will be used for farm consumption, shall take into consideration the purposes for which the wheat was grown and the number of bushels of wheat which, in view of the practices customarily followed by the producer, would normally be required for farm consumption.

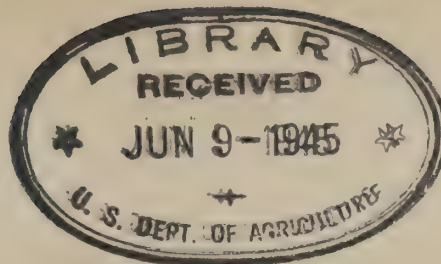
(b) Issuing marketing cards. - The county committee shall, for each non-allotment farm to which the exemption referred to in paragraph (a) is applicable, issue a marketing card to the operator and, unless the county committee determines that it will not serve a useful purpose, to other producers on the farm, in the manner provided in Sec. 501. (Sec. 375(a), Par. 7, 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 906 Non-allotment Farms on which the Acreage of Wheat Harvested Does not Exceed Three Acres Per Family

(a) Conditions of exemption. - The penalty shall not apply to wheat produced in 1941 on any non-allotment farm to which a farm marketing quota is applicable and on which the acreage of wheat harvested in 1941 is in excess of 15 acres or the farm acreage allotment therefor, whichever is the larger, and to which the provisions of Sec. 905 are not applicable, provided the acreage of wheat harvested thereon in 1941 is not in excess of 3 acres for each farm family living on the farm and, provided further, no wheat produced in 1941 on the farm is marketed by sale. The provisions of this section shall be applicable only to non-allotment farms situated in the East Central Region and all States in the Southern Region except the States of Texas and Oklahoma and the following counties in Arkansas: Baxter, Benton, Boone, Carroll, Independence, Madison, Marion, Randolph (Area II), Sharp, Stone, and Washington.

(b) Marketing cards. - A marketing card shall not be issued to any producer on any farm to which the exemption referred to in paragraph (a) is applicable. (Sec. 375(a), Par. 7, 52 Stat. 66, 7 U.S.C. 1375(a))

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Wheat-507, Revised

Issued July 15, 1941

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

Washington, D. C.

REGULATIONS PERTAINING TO WHEAT MARKETING
QUOTAS FOR THE 1941 CROP OF WHEAT

Note: This Wheat-507, Revised, includes a Supplement No. 1, approved July 15, 1941, which amends sections 708(c) and 709(b).

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REGULATIONS PERTAINING TO WHEAT MARKETING QUOTAS FOR THE
1941 CROP OF WHEAT

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31; 7 U. S. C. 1301 et seq.), as amended, and Public Law No. 74, 77th Congress, approved May 26, 1941, I do make, prescribe, publish, and give public notice of the following regulations governing wheat marketing quotas for the 1941 crop of wheat, to be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture or acting Secretary of Agriculture under said Act. 1/

Part I. DEFINITIONS AND ISSUANCE OF FORMS AND INSTRUCTIONS

Section 101. Issuance of Forms and Instructions and Definitions

(a) Issuance of forms and instructions. -- The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions and such forms as may be required to carry out these regulations. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the appropriate county committee or the Administrator.

(b) Definitions. As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural:

(1) ACT: The Agricultural Adjustment Act of 1938 and any amendments thereto.

(2) RESOLUTION: Public Law No. 74, 77th Congress, approved May 26, 1941.

(3) SECRETARY OF AGRICULTURE: The Secretary of Agriculture of the United States.

(4) ADMINISTRATOR: The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture.

(5) REGIONAL DIRECTOR: The director of the division of the Agricultural Adjustment Administration in charge of the administration of

1/ Unless otherwise indicated, all references in the text to sections relate to these regulations. All section and paragraph references at the end of sections are to sections of the Agricultural Adjustment Act of 1938, as amended, and paragraphs of Public Law No. 74, 77th Congress, approved May 26, 1941, respectively.

sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended (hereinafter referred to as the Soil Conservation and Domestic Allotment Act), in the region.

(6) WESTERN REGION: The area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(7) NORTH CENTRAL REGION: The area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(8) SOUTHERN REGION: The area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(9) EAST CENTRAL REGION: The area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(10) NORTHEAST REGION: The area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(11) STATE COMMITTEE: The group of persons appointed by the Secretary of Agriculture to assist within any State in the administration of the Soil Conservation and Domestic Allotment Act.

(12) COMMITTEE: A committee within a county or community utilized under the Soil Conservation and Domestic Allotment Act. "County committee," "community committee," or "local committee" shall have corresponding meanings in the connection in which they are used.

(13) TREASURER OF THE COUNTY COMMITTEE: The treasurer of the county agricultural conservation association or the treasurer of the county committee, as the case may be.

(14) REVIEW COMMITTEE: The review committee appointed by the Secretary of Agriculture as provided in section 363 of the Act.

(15) PERSON: An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State or an agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(16) OWNER OR LANDLORD: A person who owns farm land and rents such land to another person or operates such land.

(17) TENANT: A person who rents land from another person (for cash, a fixed-commodity payment, or a share of the crops or their proceeds) and is entitled under a written or oral lease or agreement to receive all or a share of the crops or their proceeds produced thereon.

(18) SHARECROPPER: A person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

(19) OPERATOR: A person who as owner, landlord, or tenant is operating a farm.

(20) PRODUCER or FARMER: A person who, as owner, landlord, tenant, or sharecropper, is entitled to all or a share of the wheat crop or the proceeds thereof produced on the farm in 1941.

(21) BUYER: A person who buys wheat.

(22) TRANSFEREE: A person who acquires wheat from a producer or any other person by barter, exchange, or gift inter vivos.

(23) INTERMEDIATE BUYER: Any buyer or transferee who purchases or acquires any wheat prior to the time the wheat so purchased or acquired has been marketed to a warehouseman, elevator operator, feeder, or other processor.

(24) FARM: All adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling on the farm is situated or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(25) NON-ALLOTMENT FARM: A farm classified as a non-wheat-allotment farm under the 1941 Agricultural Conservation Program (formulated under the Soil Conservation and Domestic Allotment Act).

(26) ALLOTMENT FARM: A farm classified as a wheat-allotment farm under the 1941 Agricultural Conservation Program.

(27) FARM ACREAGE ALLOTMENT: A wheat acreage allotment established for a farm under Sec. 204.

(28) **ACREAGE OF WHEAT:** In the case of an allotment farm the acreage seeded to wheat, plus any acreage of volunteer or "self-seeded" wheat which is not disposed of in accordance with instructions issued by the Agricultural Adjustment Administration, but before the maturity of the wheat, and, in the case of a non-allotment farm, the acreage of wheat harvested as grain or in any manner after the wheat matures as grain; Provided, That an acreage not in excess of the larger of 3 acres or 3 percent of the farm acreage allotment for the farm, unintentionally planted in excess of the farm acreage allotment for the farm, will not be considered as seeded to wheat if disposed of in a manner and within the time specified by the Regional Director. Wheat seeded in a mixture will not be considered acreage of wheat if the mixture may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed. If, however, such crops other than wheat fail to reach maturity and the wheat does reach maturity, the acreage devoted to such crops will be considered to be acreage of wheat.

(29) **EXCESS WHEAT ACREAGE:** An acreage of wheat determined for the farm under Sec. 403 or Sec. 901 to 906, inclusive, whichever is applicable.

(30) **NORMAL YIELD:** The number of bushels of wheat established as the normal yield per acre for the farm under Sec. 205.

(31) **ACTUAL YIELD:** The number of bushels of wheat determined by dividing the number of bushels of wheat produced on the farm in 1941 by the 1941 acreage of wheat on the farm.

(32) **NORMAL PRODUCTION OF ANY NUMBER OF ACRES:** The normal yield per acre of wheat for the farm times such number of acres.

(33) **ACTUAL PRODUCTION OF ANY NUMBER OF ACRES:** The actual yield of wheat per acre for the farm times such number of acres.

(34) **CARRYOVER WHEAT:** The number of bushels of wheat of any previous crop which the producer had on hand at the beginning of the harvest of the 1941 crop.

(35) **FARM MARKETING QUOTA:** The wheat marketing quota established under the Act and Resolution for the farm for the 1941 crop.

(36) **FARM MARKETING EXCESS:** The amount of wheat determined for any farm under Sec. 403, 405, or 901 to 906, inclusive, whichever is applicable.

(37) **MARKETING YEAR:** The period beginning on July 1, 1941, and ending with June 30, 1942, both dates inclusive.

(38) **MARKET:** To dispose of wheat, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos, or by feeding (in any form) to poultry or livestock which, or the products

of which, are sold, bartered, or exchanged, or are to be so disposed of, but does not include disposing of wheat as premium to the Federal Crop Insurance Corporation.

(i) The term "sale" means any transfer of title to wheat by a producer by any means other than barter, exchange, or gift inter vivos.

(ii) The terms "barter" and "exchange" mean transfer of title to wheat by a producer in return for wheat or other commodities, services, or property in cases where the value of the wheat or such other commodities, services, or property is not considered in terms of money, or the transfer of title to wheat by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of wheat in lieu of a cash charge for harvesting or milling wheat (commonly called "toll wheat").

(iii) The term "gift inter vivos" means any transfer of title accompanied by delivery of wheat by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed," "marketing," and "for market" shall have meanings corresponding to the term "market" in the connection in which they are used.

(39) PENALTY: The penalty provided in paragraph 2 of the Resolution. (Sec. 375, 52 Stat. 66, 7 U.S.C. 1375).

Part II. ALLOTMENTS AND YIELDS.

Sec. 201. National Acreage Allotment

The national acreage allotment of wheat for the 1941 crop of wheat was determined by the Secretary of Agriculture to be 62,000,000 acres, as published in the Federal Register on May 15, 1940, Vol. 5, p. 1725 (daily edition). The national acreage allotment for the 1941 crop of wheat is the acreage which the Secretary of Agriculture so determined would, on the basis of the national average yield of wheat, produce an amount of wheat adequate, together with the estimated carry-over on July 1, 1941, to make available a supply for the marketing year beginning July 1, 1941, equal to a normal year's domestic consumption and exports plus 30 percentum thereof. National average yield of wheat is the national average yield per acre of wheat during the ten calendar years 1930-39, adjusted for abnormal weather conditions and for trends in yields. Carry-over of wheat for the 1941-42 marketing year is the quantity of wheat on hand in the United States on July 1, 1941, not including any wheat which was produced in the United States in 1941, and not including any wheat held by the Federal Crop Insurance Corporation. Normal year's domestic consumption of wheat is the yearly average quantity of wheat, wherever produced, that was consumed in the United States during the ten marketing years 1929-30 to 1938-39, adjusted for current trends in such consumption. Normal year's exports of wheat is the yearly average quantity of wheat produced in the United States that was exported from the United States during the ten marketing years 1929-30 to 1938-39, adjusted for current trends in such exports. (Sec. 333, 52 Stat. 53, 775, 53 Stat. 1125, 7 U.S.C. 1333)

Sec. 202. State Acreage Allotments

The national acreage allotment of wheat for the 1941 crop was apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1930-1939 (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period. The State acreage allotments for the 1941 crop of wheat were determined by the Secretary of Agriculture, as published in the Federal Register on May 15, 1940, Vol. 5, p. 1726 (daily edition). (Sec. 334 (a), 52 Stat. 53, 7 U.S.C. 1334 (a)).

Sec. 203. County Acreage Allotments

Each State acreage allotment for the 1941 crop of wheat was apportioned by the Secretary of Agriculture among the counties in the State on the basis of the acreage seeded for the production of wheat during the ten calendar years 1930-39 (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices. Said county acreage allotments of wheat were published in the Federal Register

on May 2, 1941, Vol. 6, p. 2226 (daily edition). Sec. 334(b), 52 Stat. 53, 203, 7 U.S.C. 1334 (b)).

Sec. 204. Farm Acreage Allotments

Each county acreage allotment for the 1941 crop of wheat was apportioned by the Secretary of Agriculture, through the local committees, among the farms within the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment was apportioned to farms on which wheat had not been planted for the 1938, 1939, or 1940 crop. (Sec. 334 (c), 52 Stat. 53, 7 U.S.C. 1334 (c)).

Sec. 205. Normal Yields

(a) Farms for which normal yields were determined. - The Secretary of Agriculture, through the local committees in each county, determined the normal yield per acre of wheat for each farm on which wheat was planted for the 1941 crop.

(b) Yields based on reliable records. - Where reliable records of the actual average yield of wheat per acre for all of the ten years 1930 to 1939, inclusive, were presented by the farmer or were available to the county committee, the normal yield per acre of wheat for the farm was determined to be the average of such yields, adjusted for abnormal weather conditions and trends in yields.

(c) Appraised yields. - If for any year of the 10-year period 1930 to 1939, inclusive, (1) records of the actual average yield were not available, or (2) there was no actual yield, the normal yield per acre of wheat for the farm was appraised by the county committee, taking into consideration abnormal weather conditions, the normal yield for the county, and the yields in years for which data were available. The appraised yields so obtained were adjusted in accordance with paragraph (d) of this section.

(d) Adjustments in appraised yields. - The yields determined under paragraph (c) were adjusted so that the average of the normal yields per acre of wheat determined for all farms in the county (weighted by the wheat acreage allotments established for such farms) was not in excess of the county normal yield per acre of wheat established for 1941 by the Secretary of Agriculture and published in the Federal Register on January 3, 1941, Vol. 6, p.45 (daily edition). (Sec. 301 (b) (13) (A) and (E), 52 Stat. 41, 42, 202, 54 Stat. 727, 1211, 7 U.S.C. 1301 (b)).

Sec. 206. Applicability of Detailed Instructions

The detailed instructions for carrying out the provisions of Sec. 201 through Sec. 205 are contained in the following documents:

"Regulations Pertaining to Farm Acreage Allotments and Normal Yields for the 1941 Crop of Wheat (as revised)," issued by the Secretary of

Agriculture, published in the Federal Register on March 26, 1940 and on April 23, 1941, Vol. 5, p. 1148, and Vol. 6, p. 2077 (daily edition), respectively.

East Central Region: ECR-437, "1941 Wheat Allotment Procedure."

North Central Region: NCR-310-W, "Instructions for Determining Wheat Acreage Allotments for 1941."

Northeast Region: NER-501, "Procedure for Determining Wheat Acreage Allotments."

Southern Region: SRB-502, "Instructions for Determining Farm Wheat Acreage Allotments and Normal Yields under the 1941 Agricultural Conservation Program."

Western Region: WR-501, "County Office Procedure for Determining 1941 Farm Acreage Allotments, Yields, Productivity Indexes, and Carrying Capacities of Noncrop Pasture, and for preparing Notification to Farmers and for Handling Appeals." (Sec. 375, 52 Stat. 66, 7 U.S.C. 1375).

PART III. FARM IDENTIFICATION AND MEASUREMENTS

Sec. 301. Identification of Farms

Each farm as operated in the calendar year 1941 shall be identified by a farm serial number for the marketing year, assigned by the county committee, which shall not be changed, and all records pertaining to marketing quotas for the 1941 crop of wheat for such farm shall carry the farm serial number. (Sec. 374, 52 Stat. 65, 7 U.S.C. 1374).

Sec. 302. Provision for Measuring Farms

The county committee shall provide for measuring each farm in the county on which wheat was seeded for the 1941 crop. The measuring of any farm shall be done in accordance with the established procedure used by the Agricultural Adjustment Administration. (Sec. 374, 52 Stat. 65, 7 U.S.C. 1374).

Sec. 303. Report of Farms for Which a Farm Marketing Excess is Determined.

A record shall be kept of the measurements made on all farms and there shall be filed with the State committee a written report on form Wheat 514 setting forth for each farm for which a farm marketing excess is determined and to which a penalty is applicable (1) the farm serial number, (2) the name of the operator, (3) the name of each person having an interest in the wheat crop produced thereon in 1941 or in the proceeds thereof, (4) the total acreage in cultivation on the farm, (5) the farm acreage allotment, and (6) the acreage of wheat. (Sec. 374, 52 Stat. 65, 7 U.S.C. 1374).

PART IV. FARM MARKETING QUOTAS

Sec. 401. Marketing Quotas in Effect

Marketing quotas shall be in effect for the 1941 crop of wheat. (Sec. 335(a), 52 Stat. 54, 7 U.S.C. 1335(a); par. 1)

Sec. 402. Amount of Farm Marketing Quota

The farm marketing quota for any farm for the 1941 crop of wheat shall be that number of bushels of wheat produced on the farm in 1941 less the amount of the farm marketing excess for the farm. (Sec. 335(c), 52 Stat. 54, 53 Stat. 1126, 7 U.S.C. 1335(c); par. 1)

Sec. 403. Initial Farm Marketing Excess

The initial farm marketing excess for any farm shall be the normal production of the excess wheat acreage for the farm. The excess wheat acreage for any farm shall, except as provided in Secs. 901 to 906, inclusive, whichever is applicable, be that acreage of wheat on the farm which is in excess of the farm acreage allotment. The normal production of the excess wheat acreage shall be the normal yield per acre established for the farm times the excess wheat acreage. The initial farm marketing excess shall not be changed or adjusted unless and until it is determined, in accordance with Sec. 405, that the actual production in 1941 of the excess wheat acreage is less than the normal production thereof. (Sec. 335(c), 375(b), 52 Stat. 54, 66, 53 Stat. 1126, 7 U.S.C. 1335(c), 1375(b); par. 1, 3)

Sec. 404. Notice of Farm Marketing Quota and Farm Marketing Excess

As soon as practicable after measurements for a farm are made, the county committee shall mail a written notice on form Wheat 513 to the operator of each farm for which a farm marketing quota is applicable. Such notice shall contain 1941 farm information consisting of the State and county code and farm serial number, the name and address of the farm operator, the acreage of wheat, the 1941 wheat acreage allotment, the normal yield, the farm marketing quota, the excess wheat acreage, and the farm marketing excess for 1941. The amount of the farm marketing excess shall be determined in accordance with Sec. 403. The notice to the operator shall constitute notice to all persons interested in the 1941 wheat crop and shall contain thereon a brief statement to the effect that, if, upon application to the county committee, in accordance with Sec. 405, it is shown that the actual average yield per acre is less than the normal yield for the farm, the amount of the farm marketing excess will be adjusted in accordance with Sec. 405. The notice shall contain also a brief statement of the procedure whereby application for a review of the farm marketing quota may be made under Section 363 of the Act and a statement that the farm marketing excess may be stored or delivered to the Secretary of Agriculture in order to postpone or avoid the payment of the penalty. A copy of each notice on form Wheat 513, showing the date the notice was mailed to the operator of the farm, shall be kept among the records of the county committee, and upon request a copy thereof, duly certified as true and

correct, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1941 on the farm for which the notice was given. If measurements cannot be made for any farm, the notice pursuant to this section shall be in the form of a letter, containing the information outlined above with the exception of the 1941 acreage of wheat, the excess wheat acreage, and the farm marketing excess, and notifying the operator that the amount of the farm marketing excess is the amount of wheat produced in 1941 on the farm until the excess wheat acreage is determined and that it is issued in lieu of the notice on form Wheat 513 because the operator or owner prevented the measurement of the farm. (Sec. 362, 52 Stat. 62, 7 U.S.C. 1362).

Sec. 405. Adjusted Farm Marketing Excess

(a) Farm marketing excess adjusted for actual production. The initial farm marketing excess as determined pursuant to Sec. 403 shall not be adjusted until an application for an adjustment in the amount of the farm marketing excess is made to the county committee. When it is determined by the Secretary of Agriculture, through the county committee, pursuant to such an application, that the actual average yield per acre for the farm is less than the normal yield thereof, the farm marketing excess for the farm shall be adjusted to the amount of the actual production of the excess wheat acreage. The actual production of the excess wheat acreage shall be the actual average yield per acre for the farm times the excess wheat acreage.

(b) Procedure in connection with an application for an adjustment in the farm marketing excess. An application for an adjustment in the amount of the farm marketing excess on the basis of actual production may be made by any producer having an interest in the wheat produced in 1941 on the farm. The application shall be made to the county committee not later than 60 days after the threshing of wheat produced on the farm is completed or December 31, 1941, whichever is the earlier. The county committee shall keep a record of each application so made and the time thereof. The county committee shall fix a time at which each application will be considered and shall notify the applicant thereof. Insofar as practicable, applications shall be considered in the order in which made. The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of evidence presented to it by the applicant. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application.

Any such hearing shall be open to the public. The consideration of any application shall be confined to the determination of the amount of wheat actually produced in 1941 on the farm and the applicant shall have the burden of proving that the actual average yield per acre of wheat on the farm in 1941 is less than the normal yield thereof. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the questions of fact, and (3) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A notice on form Wheat 513, plainly marked "Revised", showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator. The notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, as affected by the determination of the farm marketing excess, may be made under section 363 of the Act. A copy of each notice, showing the date of mailing, shall be filed, together with such determination, among the records of the county committee, and upon request a copy of the notice or of the determination, duly certified as true and correct, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1941 on the farm. (Sec. 335(c), 375(b), 52 Stat. 54, 66, 53 Stat. 1126, 7 U.S.C. 1335(c), 1375(b), par. 3)

Sec. 406 Publication of Farm Data.

In addition to the copies of form Wheat 513 required under Sec. 404, the county committee shall prepare one additional copy for each farm in the county for which a farm marketing quota is applicable. These additional copies shall be arranged alphabetically by communities and such copies for each community placed in a separate folder. These folders shall be posted in the office of the county committee in such a manner that they will be freely available for public inspection for a period of not less than 30 calendar days, and at the end of such period shall be filed so that they will remain readily available for further public inspection. (Sec. 362, 52 Stat. 62, 7 U.S.C. 1362)

Sec. 407 Marketing Quotas Not Transferable

A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm. (Sec. 338, 52 Stat. 55, 7 U.S.C. 1338)

Sec. 408 Successors-in-Interest

Any person who succeeds to the interest of a producer in a farm, or in a wheat crop produced on a farm, for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to

such marketing quota and marketing excess and be subject to the restrictions on the marketing of wheat. (Sec. 375(b), 52 Stat. 66, 7 U.S.C. 1375(b))

Sec. 409 Review of Quotas

(a) Review committees. -- Any producer who is dissatisfied with the farm marketing quota or farm marketing excess established for his farm may, by making application within 15 days after the mailing to him of the notice provided for in Secs. 404 and 405, have such marketing quota or marketing excess reviewed by a local review committee composed of three farmers appointed by the Secretary of Agriculture. Unless such application is made within 15 days, the farm marketing quota and farm marketing excess, as determined, shall be final. Applications for review shall be made in accordance with the Review Regulations (38-A.A.A.-2) issued by the Secretary of Agriculture.

(b) Court review. -- If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the Act. (Secs. 363, 364, 365, 52 Stat. 63, 7 U.S.C. 1363, 1364, 1365)

PART V. MARKETING CARDS AND CERTIFICATES

Sec. 501 Producers Eligible to Receive Marketing Cards

The county committee shall issue a marketing card (form Wheat 511) to the operator and, unless the county committee finds that it will not serve a useful purpose, to other producers on each farm on which wheat is harvested in 1941 and for which (1) no farm marketing excess is determined, (2) the penalty on the farm marketing excess has been paid by the producer, as provided in Sec. 703, or by any buyer, as provided in Sec. 704, (3) the farm marketing excess has been stored, as provided in Sec. 708, or (4) the amount of the farm marketing excess has been delivered to the Secretary of Agriculture, through the county committee, as provided in Sec. 709. Each marketing card shall be serially numbered and shall show (1) the names of the State and county and code number thereof and the serial number of the farm, (2) the signature of a member of the county committee, (3) the name and address of the producer to whom issued, (4) the countersignature of the producer to whom the card is issued, or his duly authorized agent, and (5) any other information which the county committee considers to be necessary in identifying the farm for which the marketing card is issued. A marketing card shall not be issued to any producer on a farm for which measurements cannot be made as provided in Sec. 302, nor to any producer not eligible to receive a card under this section, except as provided in Sec. 901 to 905, inclusive. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 502 Issuing Marketing Cards to Multiple Farm Producers

Any producer who is interested in the production of wheat on more than one farm shall not be issued a marketing card for any farm in which he has an interest as a wheat producer until he is eligible to receive a marketing card for each of such farms in accordance with the provisions of Sec. 501. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall be issued marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of wheat in more than one county, the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms wherever situated if the county committees of the respective counties so decide, or if the State committee has reason to believe that the procedure would be necessary to enforce the provisions of the Act. Whenever such a procedure is followed, the State Committee may require any producer so affected to file with it a list of all farms on which he is engaged in the production of wheat, together with any other pertinent data which are deemed to be necessary in enforcing the Act. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 503 Certificate that a Marketing Card Was Issued

The county committee shall, upon request, issue a certificate on form Wheat 511-A to any producer to whom a marketing card was issued and who desires to market wheat by telephone, telegraph, mail, or by any means or method other than directly to and in the presence of the buyer or transferee. Each form Wheat 511-A so issued shall show (1) the name and address of the producer to whom issued, (2) the name of the State and county and the code number thereof

and the serial number for the farm, (3) the serial number of the marketing card issued to the producer for the farm, (4) the signature of a member of the county committee, (5) the name of the buyer or transferee, (6) the number of bushels of wheat involved in the transaction, and (7) the signature of the producer. The original marketing certificate shall be kept by the buyer and the duplicate copy shall be kept in the county office records. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 504 Lost, Destroyed, or Stolen Marketing Cards or Certificates

(a) Report of loss, destruction, or theft. -- In case a marketing card or certificate issued to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he be able, immediately notify the county committee of the following: (1) the name of the operator of the farm for which such marketing card or certificate was issued; (2) the name of the producer to whom the marketing card or certificate was issued, if someone other than the operator; (3) the serial number of the marketing card or certificate; (4) the description of the marketing card or certificate; and (5) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) Investigation and findings of county committee. -- The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card or certificate was in fact lost, destroyed, or stolen, it shall cancel such marketing card or certificate by giving notice to the producer to whom the card or certificate was issued that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last-known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion or connivance in connection therewith on the part of the producer to or for whom the marketing card or certificate was issued, it shall issue to or for him a marketing card or certificate to replace the lost, destroyed, or stolen marketing card or certificate. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "DUPLICATE". In case a marketing card is canceled, as provided for in this section, the county committee shall immediately notify the buyers, elevator operators, or warehousemen in the county that the marketing card is canceled and of the issuance of any duplicate. The county committee shall notify the county committee of each adjoining county, which in turn shall notify the elevator operators, warehousemen, and buyers in their respective counties. Any person coming into possession of a canceled marketing card shall immediately return it to the county committee which issued it. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 505 Cancellation of Marketing Cards Issued in Error

Any marketing card erroneously issued shall, immediately upon discovery of the error, be canceled by the county committee. The producer to whom such card was issued shall be notified that the card is void and of no effect and that it shall be returned to the county committee. Upon the return of such card, the county committee shall endorse thereon the notation "Canceled". In the event that such marketing card is not returned immediately, the county committee shall immediately notify the elevator operators, warehousemen, and buyers in the county

that the marketing card is canceled. The county committee shall also notify the county committees of each adjoining county, which shall in turn notify the elevator operators, warehousemen, and buyers in their respective counties. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing, shall be kept among the records of the county committee. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

PART VI. IDENTIFICATION OF WHEAT

Sec. 601 Time and Manner of Identification

Each producer of wheat and each intermediate buyer shall, at the time he markets any wheat, identify the wheat to the buyer or transferee in the manner hereinafter provided as being subject to or not subject to the penalty and the lien for the penalty provided in the Act and Resolution. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 602 Identification by Marketing Card

(a) Wheat marketed by the producer directly to and in the presence of the buyer. -- A marketing card (form Wheat 511) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the wheat with respect to which the marketing card was issued is not subject to the lien for penalty and may be purchased by him without the payment of any penalty.

(b) Wheat not marketed by the producer directly to and in the presence of the buyer. -- Where the marketing of wheat by a producer is effected by telephone, telegraph, or mail, or by any means or method other than directly to and in the presence of the buyer, a marketing certificate (form Wheat 511-A) properly executed in accordance with Sec. 503 by the county committee and the producer to whom it was issued, shall, when presented by the producer to the buyer, be evidence to the buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without the payment of any penalty. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 603 Identification by Intermediate Buyer's Record and Report

The original and copy of an intermediate buyer's record and report (form Wheat 521) properly executed by the first intermediate buyer and the producer of the wheat, shall be evidence to any subsequent buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without the payment of any penalty in the event (1) the form Wheat 521 shows the serial number of the marketing card by which the wheat was identified, or (2) the original of form Wheat 521 bears the endorsement "Penalty satisfied" and the signature and title of a treasurer of a county committee and the date thereof. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 604 Wheat Not Identified by a Marketing Card or Certificate or an Intermediate Buyer's Record and Report

All wheat marketed by a producer which is not identified by a marketing card (form Wheat 511) or marketing certificate (form Wheat 511-A) as prescribed in these regulations and all wheat marketed by an intermediate buyer which is not identified in the manner outlined in Sec. 603 by form Wheat 521, properly executed by the first intermediate buyer and the producer of the wheat, shall be taken by the buyer thereof as wheat subject to penalty and the lien for penalty, and the buyer of such wheat shall pay the penalty thereon. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375(a))

PART VII. PENALTIES

Sec. 701 Rate of Penalty

The penalty shall be 49 cents per bushel. The rate of penalty is 50 percent of the basic rate of the loan on wheat for cooperators for the marketing year under Sec. 302 of the Act and paragraph 10 of the Resolution. The basic rate of the loan for cooperators is 98 cents per bushel. (Par. 2)

Sec. 702 Lien for Penalty

The entire amount of wheat produced in 1941 on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the producers on the farm store the farm marketing excess or deliver it to the Secretary of Agriculture or until the amount of the penalty is paid. (Par. 4)

Sec. 703 Payment of Penalties by Producers

(a) Producers liable for payment of penalties. -- Each producer having an interest in the wheat produced in 1941 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of wheat produced on the farm.

(b) Time when penalties become due. -- The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any wheat produced on the farm is threshed. The remittance of the amount of the penalty shall be made not later than sixty calendar days next succeeding the day on which the threshing of wheat produced on the farm is completed, or December 31, 1941, whichever is the earlier, provided, however, that the penalty on that amount of the farm marketing excess delivered to the Secretary of Agriculture pursuant to Sec. 709 shall not be remitted, and provided further that the penalty on that amount of the farm marketing excess which is stored pursuant to Sec. 708 shall not be remitted until the time, and to the extent, of any depletion in the amount of wheat so stored not authorized as provided in Sec. 708(d). (Sec. 375(b), Par. 2, 3, 52 Stat. 66, 7 U.S.C. 1375 (b))

Sec. 704 Payment of Penalties by Buyers

(a) Buyers liable for payment of penalties. -- Each person within the United States who buys from the producer any wheat produced in 1941 on a farm for which the penalty on the farm marketing excess is not paid or for which the farm marketing excess is not stored or delivered to the Secretary of Agriculture shall pay the penalty on each bushel purchased by him which was produced on the farm. The penalty on the farm marketing excess shall be taken not to have been paid, and the amount of the farm marketing excess shall be taken not to have been stored or delivered to the Secretary of Agriculture unless, at the time of sale, the producer presents to the buyer a marketing card (form Wheat 511) or a marketing certificate (form Wheat 511-A) issued to the producer.

(b) Payment of penalties on account of the lien for the penalty. -- Each person within the United States who buys wheat which is subject to the lien for the penalty shall pay the amount of the penalty on each bushel thereof in satisfaction of the lien thereon. Wheat purchased from any producer or from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale, the producer presents to the purchaser a marketing card (form Wheat 511) or a marketing certificate (form Wheat 511-A) issued to the producer, or unless, at the time of sale, the intermediate buyer delivers to the purchaser the original and a copy of an intermediate buyer's record and report (form Wheat 521), properly executed by the producer of the wheat and the first intermediate buyer, which show (1) the serial number of the marketing card by which the wheat covered thereby was identified when marketed, or (2) on the reverse sides the statement "Penalty Satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

(c) Time when penalties become due. - The penalty to be paid by any buyer pursuant to paragraph (a) or (b) shall be due at the time the wheat is sold and shall be remitted not later than fifteen calendar days next succeeding the day on which the wheat was sold.

(d) Manner of deducting penalties and issuance of receipts. - The buyer may deduct from the price paid for any wheat an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) or (b). Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the wheat was purchased a receipt on form Wheat 512 or form Wheat 521, whichever is applicable, for the amount so deducted. (Sec. 375(b), 52 Stat. 66, 7 U.S.C. 1375 (b); Par 8)

Sec. 705 Remittance of Penalties to the Treasurer of the County Committee

The treasurer of any county committee, for and on behalf of the Secretary of Agriculture, shall receive the penalty and issue to the person remitting the penalty a receipt therefor on form Wheat 517. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, or money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par and the receipt on form Wheat 517 issued in connection therewith shall bear a notation to that effect and a description of the check, draft, or money order. If the penalty is remitted by an intermediate buyer, the treasurer of the county committee shall, in addition to issuing a receipt therefor on form Wheat 517, show that the penalty is paid by entering on the reverse side of the original and first copy of the intermediate buyer's record and report (form Wheat 521) the statement "Penalty satisfied" and his signature and title and the date thereof. (Sec. 372 (b), 52 Stat. 65, 7 U.S.C. 1372)

Sec. 706 Deposit of Funds

All funds received by the treasurer of the county committee in connection with penalties for wheat shall be scheduled and transmitted by him on the day received, or not later than the morning of the succeeding business day, to the State committee, which shall cause such funds to be deposited to the credit of a

special deposit account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (herein referred to as "special deposit account"). In the event the funds so received are in the form of cash, the treasurer of the county committee shall purchase a postal money order in the amount thereof, payable to the order of the Treasurer of the United States. The expense incurred by the treasurer of the county committee in purchasing postal money orders shall be paid by him in accordance with applicable procedure from the funds provided for the administrative expenses of the county agricultural conservation association. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the wheat in connection with which the funds were remitted. As soon as practicable after the farm marketing quota and farm marketing excess for any farm have been finally determined, the county committee and the treasurer of the county committee shall review the amount of the funds received for the farm and notify the State committee of the amounts thereof which are penalties to be covered into the general fund of the Treasury of the United States and the amounts thereof in excess of the amount due as the penalty. The State committee shall cause to be scheduled for transfer from the special deposit account and covered into the general fund of the Treasury of the United States the amount of the penalties so determined. (Sec. 372 (b), 52 Stat. 65, 7 U.S.C. 1372 (b))

Sec. 707 Refunds of Money in Excess of the Penalty

(a) Conditions under which refunds may be made.-- The county committee and the treasurer of the county committee, upon their own motion or upon the request of any person who paid money as the penalty, shall review the amount of money paid to determine whether the amount so paid is in excess of that due as the penalty.

(b) Persons eligible to receive refunds of money paid in excess of the penalty. - Any refund pursuant to this section shall be made only to the person who bore the burden of the payment of the penalty and who has not been reimbursed therefor. No refund shall be made to any buyer or transferee of any amount of money received from him as the penalty which he deducted from the price or consideration paid for the wheat or which the buyer was under a duty to pay.

(c) Determination of amounts of refunds. - The total amount of any refunds under this section shall not exceed the amount by which the total amount received for the farm exceeds the total penalties incurred by the producers on the farm. If the county committee and the treasurer of the county committee find that the money received with respect to the farm is not in excess of the total amount of the penalties incurred, no refund under this section shall be made to any person. If the money received with respect to the farm is in excess of the total amount of the penalty incurred in connection therewith, the amount of the excess shall first be applied, insofar as the sum of the excess will permit, so as to make refunds to eligible persons other than the producers on the farm, and the remainder, if any, shall then be applied so as to make a refund to each eligible producer on the farm in the amount of that proportion of the remainder which the amount which he bore the burden of paying bears to the total amount which all producers on the farm bore the burden of paying.

(d) Certification of refunds. - One member of the county committee, acting for the committee, and the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the treasurer of the county committee and transmitted by him to the State committee but has not been covered into the general fund of the Treasury of the United States. (Sec. 375 (b), 52 Stat. 65, 7 U.S.C. 1375 (b))

Sec. 708 Storage of the Farm Marketing Excess

(a) Amount of wheat to be stored. - The number of bushels of wheat in connection with any farm to be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be a number of bushels not less than that portion of the farm marketing excess on which the penalty has not been paid and which has not been delivered to the Secretary of Agriculture. The amount of the farm marketing excess at the time of storage shall be determined on the basis of normal production under Sec. 403 or on the basis of actual production under Sec. 405.

(b) Deposit of warehouse receipts in escrow. - The storage of wheat in an elevator or warehouse in order to postpone the payment of the penalty or with a view to avoiding such penalty shall, except as provided in paragraph (c) of this section, be effective only when a warehouse receipt covering the amount of wheat to be stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be a negotiable receipt or a non-negotiable receipt as to which the warehousemen or elevator operator is notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the wheat covered thereby is to be made only under the terms of its deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the wheat is stored shall be and shall remain liable for all charges incident to the storage of the wheat and that the county committee and the United States in no way be responsible for or pay any such charges.

(c) Bond of indemnity and funds in escrow. - The storage of wheat on the farm or elsewhere, other than by depositing a warehouse receipt in escrow, in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when either (1) a good and sufficient bond of indemnity on form Wheat 523 or Form Wheat 523-A is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess on which the penalty is not paid or otherwise secured or which is not delivered to the Secretary of Agriculture, or (2) an amount of money not less than the penalty on that portion of the farm marketing excess on which the penalty is not paid or otherwise secured or which is not delivered to the Secretary of Agriculture, is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty. Each bond given pursuant to this paragraph shall be executed as principal by the owner or operator of the farm and either (1) as sureties by two persons, each

owning real property (other than such owner or operator or producers) situated within the county with an unencumbered value of double the principal sum of the bond, or (2) as surety by a corporate surety authorized to do business in the State in which the farm is situated and holding a certificate of authority from the Secretary of the Treasury of the United States to act as an accepted surety on bonds in favor of the United States. Any funds delivered to be held in escrow to secure the payment of the penalty shall be only in legal tender or in the form of a certified check, cashier's check, or money order drawn payable to the order of the Treasurer of the United States and shall be deposited as provided for in Sec. 706. The treasurer of the county committee shall issue a receipt for such funds on form Wheat 517 to the person who tenders such funds which shall be received subject to collection and payment at par. The wheat so stored shall be kept in a place adapted to the storage of wheat and from the dimensions of which the amount of wheat stored therein may be ascertained. The storage of wheat under this paragraph shall be subject to the condition that the wheat so stored may be inspected at any time by officers and employees of the United States Department of Agriculture and members, officers, and employees of the State and county committees. Each bond of indemnity and deposit of funds in escrow shall be subject to the conditions that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (d) and that if at any time the producers on the farm prevent the inspection of any wheat so stored the penalty on the entire amount stored shall be paid forthwith.

(d) Depletion of the amount stored. - The penalty on the amount of wheat stored, whether under paragraphs (b) or (c), shall be paid by the producers on the farm at the time, and to the extent, of any unauthorized depletion in the amount of wheat stored. The depletion of the amount of wheat stored is authorized in the following amounts and under the following conditions, and no penalty shall be due on the amount of depletion: (1) The amount stored may be reduced to the amount of the farm marketing excess for the farm as adjusted in accordance with Sec. 405 or Sec. 904; (2) the amount stored may be reduced to the amount of the farm marketing excess as determined by a review committee appointed by the Secretary of Agriculture to review farm marketing quotas for wheat or to the amount of the farm marketing excess determined as a result of a court review of the determination of the review committee; or (3) the amount stored may be reduced by fire, weather conditions, insect infestation, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done, or caused to be done, by him. The depletion of the amount of wheat stored in connection with any farm is likewise authorized if a farm marketing quota for the 1941 crop is not applicable to the farm or if the wheat produced thereon in 1941 is not subject to the penalty. (Par. 3, 5)

Sec. 709 Delivery of the Farm Marketing Excess to the Secretary of Agriculture

(a) Amount of wheat to be delivered. - The amount of wheat in connection with any farm to be delivered to the Secretary of Agriculture in order to avoid the payment of the penalty shall be equal to the amount of the farm marketing excess as determined, at the time of delivery, on the basis of normal production, in accordance with Sec. 403, or on the basis of actual production, in accordance

with Sec. 405, less the amount of the farm marketing excess on which the penalty has been paid and less the amount thereof which has been stored in accordance with Sec. 708.

(b) Conditions and methods of delivery. - For and on behalf of the Secretary of Agriculture, the treasurer of the county committee for the county in which the farm for which the farm marketing excess is determined is situated shall accept the delivery of any wheat tendered to avoid the payment of the penalty. The delivery of the wheat for this purpose shall be effective only when the producers having an interest in the wheat to be so delivered convey to the Secretary of Agriculture all right, title, and interest in and to the wheat by executing form Wheat 522, in accordance with instructions issued by the Agricultural Adjustment Administration, and (1) deliver the wheat to a wheat elevator or warehouse and tender to the treasurer of the county committee the elevator or warehouse receipts for the amount of the wheat, or (2), where the producer shows to the satisfaction of the county committee that it is impracticable to deliver the wheat to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the wheat at a point within the county or nearby and within such time or times as may be designated by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration. None of the wheat so delivered shall be returned to the producer. Insofar as practicable, the wheat so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any wheat which it is impracticable to deliver to the Commodity Credit Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State Committee selects, which delivery the Secretary of Agriculture hereby determines will divert it from the normal channels of trade and commerce: Farm Security Administration for use of its needy grant clients, any other Federal relief organization, the American Red Cross, State or county or municipal relief organizations, or Federal or State wildlife refuge projects. (Par. 3)

Sec. 710 Refund of Penalty Erroneously, Illegally, or Wrongfully Collected

Whenever, pursuant to a claim filed with the Secretary of Agriculture within the time prescribed by law after payment to him of the penalty collected from any person, the Secretary of Agriculture finds that the penalty was erroneously, illegally, or wrongfully collected, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary of Agriculture. (Sec. 372 (c), 52 Stat. 65, 204, 54 Stat. 728, 7 U.S.C. 1372 (c)).

Sec. 711 Report of Violations and Court Proceedings to Collect Penalty

It shall be the duty of the county committee to report in writing to the State committee each case of failure or refusal to pay the penalty or to remit the same to the Secretary of Agriculture when collected. It shall be the duty of the State committee to report each such case in writing in quadruplicate to

the United States Department of Agriculture with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in Section 376 of the Act. (Sec. 376, 52 Stat. 66, 7 U.S.C. 1376)

PART VIII. RECORDS AND REPORTS

Sec. 801 Records to be Kept and Reports to be made by Warehousemen, Elevator Operators, Feeders, and Other Processors

(a) Necessity for records and reports. - Each warehouseman, elevator operator, feeder, or other processor who buys, acquires, or receives wheat from the producer or intermediate buyer thereof shall, in conformity with section 373(a) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of Title III of the Act and of the Resolution.

(b) Nature of and availability of records. - Each warehouseman, elevator operator, feeder, or other processor shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) the name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of wheat, (4) the serial number of the marketing card (form Wheat 511), or marketing certificate (form Wheat 511-A), or intermediate buyer's record and report (form Wheat 521) by which the wheat was identified, or the report and penalty receipt (form Wheat 512), and (5) the amount of any penalty in connection with the wheat purchased, acquired, or received by him. The record so made shall be kept available for examination by the Secretary of Agriculture or his authorized representatives, and by members of the State and county committees and their officers and employees, for two calendar years beyond the calendar year in which the marketing year ends, for the purpose of ascertaining the correctness of any report made or record kept pursuant to these regulations, or of obtaining the information required to be furnished in any report pursuant to these regulations but not so furnished. The county committee shall furnish, without cost, blank copies of forms Wheat 520 which may be used for the purpose of keeping the record required under this paragraph.

(c) Records and reports in connection with wheat not identified by a marketing card or certificate or intermediate buyer's record and report. - Each warehouseman, elevator operator, feeder, or other processor who purchases any wheat from the producer thereof which is not identified when marketed by a marketing card (form Wheat 511) or marketing certificate (form Wheat 511-A) issued to the producer, or purchases or acquires any wheat from an intermediate buyer which is not identified when marketed by the original and a copy of an intermediate buyer's record and report (form Wheat 521), properly executed by the producer of the wheat and the first intermediate buyer, shall, with respect to each such transaction, make a record on form Wheat 512 and report thereon to the treasurer of the county committee the following information: (1) the name and address of the producer or intermediate buyer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the amount of wheat, and (4) the amount of the penalty incurred in connection with the transaction, and whether an amount equivalent to the penalty was deducted from the price or consideration paid for the wheat. Each record and report on form Wheat 512 shall be executed in triplicate. The warehouseman, elevator operator, feeder, or other processor by whom it is executed shall retain one copy, give the original to the producer or intermediate

buyer, as the case may be, and mail or deliver the remaining copy to the treasurer of the county committee. The original of form Wheat 512 given to the producer or intermediate buyer, as the case may be, shall be the receipt to him for the amount of the penalty in connection with the wheat. It shall be presumed that wheat was not identified by forms Wheat 511, 511-A, or 521 if the serial number of the marketing card or marketing certificate or intermediate buyer's record and report does not appear on the records required to be kept pursuant to paragraph (b).

(d) Records and reports in connection with wheat identified by intermediate buyer's records and reports. - Each warehouseman, elevator operator, feeder, or other processor who purchases or acquires any wheat identified by an intermediate buyer's record and report (form Wheat 521) shall make a report in connection with the transaction by forwarding to the treasurer of the county committee the original of form Wheat 521 executed by the producer of the wheat and the first intermediate buyer. The copy of form Wheat 521 shall be retained by the warehouseman, elevator operator, feeder, or other processor as a record in connection with the transaction.

(e) Records in connection with wheat identified by marketing certificate. Each warehouseman, elevator operator, feeder, or other processor who purchases or acquires wheat by telephone, telegraph, or mail, or by any means or method other than directly from and in the presence of a producer, shall secure the original of the marketing certificate (form Wheat 511-A) from the producer, and retain it as a record of the transaction. (Sec. 373(a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a).)

Sec. 802 Records to be Kept and Reports to be Made by Intermediate Buyers

(a) Necessity for records and reports. - Each intermediate buyer shall, in conformity with section 373(a) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of Title III of the Act and of the Resolution.

(b) Form of record and report in connection with wheat marketed by producers. - Each intermediate buyer who purchases or acquires any wheat from the producer thereof shall, with respect to each such transaction, keep a record and make a report on form Wheat 521 of the following information: (1) the name and address of the producer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the names of the county and State in which the wheat was produced, (4) the amount of wheat, and (5) the serial number of the marketing card by which the producer identified the wheat at the time it was marketed, or the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the wheat. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the certificate thereon. One copy of form Wheat 521 so executed shall be retained by the producer as his receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the wheat. One copy of form Wheat 521

so executed shall be retained by the intermediate buyer as his record in connection with the transaction.

(c) Manner of making reports. - The original and a copy of the report (form Wheat 521) shall be delivered to the warehouseman, elevator operator, feeder, or other processor to whom the wheat covered thereby is marketed. In the event the wheat covered by the report is marketed to another intermediate buyer, the original and a copy of the report (form Wheat 521) shall accompany each transaction between one intermediate buyer and another intermediate buyer, and the last intermediate buyer shall deliver them to the warehouseman, elevator operator, feeder, or other processor. The intermediate buyer shall mail or deliver the original of the report to the treasurer of the county committee where the wheat is not marketed or delivered to a warehouseman, elevator operator, feeder, or other processor. (Sec. 373(a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 803 Time and place of submitting reports

Each report required by Sec. 801 or 802 shall be submitted, not later than 15 calendar days next succeeding the day on which the wheat was marketed to a warehouseman, elevator operator, feeder, or other processor, to the treasurer of the county committee for the county in which the wheat was so marketed or, if there is no such county committee, to the State Committee for the State in which the wheat was so marketed. (Sec. 373(a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 804 Buyer's Special Reports

In the event that the county committee or State Committee has reason to believe that any buyer has failed or refused to comply with these regulations, the buyer shall within 15 days after a written request therefor by the county committee is deposited in the United States mails, registered and addressed to him at his last-known address, make a report on form Wheat 520 to such committee of all wheat purchased or acquired by him from the producer thereof up to and including the day such report is made. Such report shall include the following information for each lot of wheat so purchased or acquired by such buyer: (1) the name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of wheat, (4) the serial number of the marketing card (form Wheat 511), marketing certificate (form Wheat 511-A), or intermediate buyer's record and report (form Wheat 521), or the report and penalty receipt (form Wheat 512), and (5) the amount of penalty in connection with the wheat purchased or acquired. (Sec. 373(a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 805 Penalty for Failure or Refusal to Keep Records and Make Reports

Any person required to keep the records or make the reports specified in Secs. 801, 802, or 804 and who fails to keep any such record or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the Act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500 for each such offense. (Sec. 373 (a), 52 Stat. 65, 54 Stat. 394, 7 U.S.C. 1373(a))

Sec. 806 Records to be Kept and Reports to be Made by Producers

Each person who in 1941 harvests wheat which is subject to the provisions of these regulations shall, in conformity with section 373(b) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out, with respect to wheat, the provisions of title III of the Act and of the Resolution. The operator of each farm in connection with which a farm marketing excess is determined and for which a marketing card is not issued under Sec. 501 or 904 or 905 shall file with the treasurer of the county committee for the county in which the farm is located a report on form Wheat 519 showing for the farm the following information: (1) the total number of bushels of wheat produced thereon in 1941, (2) the name and address of each buyer or transferee of any wheat, (3) the amount of wheat marketed to him, (4) the amount equivalent to the penalty which was deducted from the price or consideration received for the wheat, and (5) the amount of unmarketed wheat of the 1941 crop on hand. The report in connection with any such farm shall be made not later than 15 days after all wheat in connection with the farm is marketed or not later than December 31, 1941, whichever is the earlier. Upon the request of the county committee, the operator of any other farm shall make a similar report within 15 days after the request therefor is made. (Sec. 373(b), 52 Stat. 65, 7 U.S.C. 1373(b))

Sec. 807 Data to be Kept Confidential

Except as otherwise provided herein, all data reported to or acquired by the Secretary of Agriculture pursuant to and in the manner provided in these regulations shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State Committees, county agents, and officers and employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any wheat, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the Act and Resolution and then only in a suit or administrative hearing under Title III of the Act and the Resolution. (Sec. 373 (c), 52 Stat. 65, 7 U.S.C. 1373(c))

Sec. 808 Enforcement

It shall be the duty of the county committee to report in writing to the State Committee forthwith each case of failure or refusal to make any report or keep any record as required by these regulations and each case of making any false report or record. It shall be the duty of the State Committee to report each such case in writing, in quadruplicate, to the United States Department of Agriculture with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of Title III of the Act and of the Resolution. (Sec. 376, 52 Stat. 66, 7 U.S.C. 1376)

IX. SPECIAL PROVISIONS AND EXEMPTIONS

Sec. 901 Farms on which the Acreage Planted is Not in Excess of Fifteen Acres.

(a) Conditions of exemption. - A farm marketing quota for wheat for the 1941 crop shall not be applicable to any farm on which the acreage of wheat seeded for the 1941 crop is not in excess of fifteen acres. The penalty shall likewise not be applicable to any wheat of the 1941 or any previous crop produced on or marketed from such farm.

(b) Issuing marketing cards. - The county committee shall, for each farm to which a farm marketing quota is not applicable under the conditions of paragraph (a), issue a marketing card to the operator, and, unless the county committee determines that it will not serve a useful purpose, to other producers on the farm, in the manner provided in Sec. 501

Sec. 902 Farms on which the Normal Production of the Acreage Planted is Less than Two Hundred Bushels

(a) Conditions of exemption. - A farm marketing quota for wheat for the 1941 crop shall not be applicable to any farm on which the normal production of the acreage planted to wheat of the 1941 crop is less than two hundred bushels. The penalty shall likewise not be applicable to any wheat of the 1941 or any previous crop produced on or marketed from such farm.

(b) Issuing marketing cards. - The county committee shall, for each farm to which a farm marketing quota is not applicable under the conditions of paragraph (a), issue a marketing card to the operator and, unless the county committee determines that it will not serve a useful purpose, to other producers on the farm, in the manner provided in Sec. 501. (Sec. 335(d), 375(a), 52 Stat. 55, 66, 54 Stat. 232, 7 U.S.C. 1335(d), 1375(a))

Sec. 903 Experimental Wheat Farms

(a) Conditions of exemption. - The penalty shall not apply to the marketing of any wheat of the 1941 crop grown for experimental purposes only by any publicly owned agricultural experiment station.

(b) Issuing marketing cards. - The county committee shall, upon the written application of a responsible executive officer of any publicly owned agricultural experiment station to which the exemption referred to in paragraph (a) is applicable, issue a marketing card for the experiment station in the manner provided in Sec. 501. (Sec. 372(d), 375(a), 52 Stat. 65, 66, 204, 7 U.S.C. 1372(d), 1375(a))

Sec. 904 Non-allotment Farms

(a) Amount of farm marketing excess. - The farm marketing excess for any non-allotment farm to which a farm marketing quota is applicable shall be determined in the manner outlined in Secs. 403 and 405 prior to the time the acreage of wheat harvested thereon in 1941 is ascertained as provided for in

Sec. 302. When the acreage of wheat harvested on any non-allotment farm to which a farm marketing quota is applicable is ascertained, the farm marketing excess for the farm shall be the normal production of the excess wheat acreage. The excess wheat acreage for the farm shall be that acreage of wheat harvested on the farm which is in excess of 15 acres or the farm acreage allotment for the farm, whichever is the larger. The farm marketing excess so determined shall be final unless an application for an adjustment in the amount of the farm marketing excess is made by the operator or any other producer having an interest in the wheat produced in 1941 on the farm. When it is determined by the Secretary of Agriculture, through the county committee, pursuant to the application for an adjustment, that the actual production of the excess wheat acreage for the farm is less than the normal production thereof, the amount of the farm marketing excess shall be the actual production of the excess wheat acreage for the farm. The procedure in connection with an application for an adjustment in the farm marketing excess for a non-allotment farm shall be governed by the provisions of Sec. 405(b).

(b) Notice of farm marketing quota and farm marketing excess. The notice of the farm marketing quota and farm marketing excess for any non-allotment farm shall be given in accordance with Sec. 404. In the event the notice for any non-allotment farm is given for a farm marketing excess determined under Sec. 403 and the amount of the farm marketing excess is revised on the basis of the harvested acreage as provided in paragraph (a) of this section, the county committee shall mail to the operator of the farm a new notice on form Wheat 513 of the revised amount of the farm marketing excess. The new notice so given shall supersede the former notice and the right of the producer to a review of the farm marketing quota and farm marketing excess as revised shall not be affected by the giving of the former notice. The new notice shall contain at or near the top thereof the following statement: "This notice supersedes any notice previously given."

(c) Issuing marketing cards. - The county committee shall, for each non-allotment farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner, and subject to the conditions, specified in Secs. 501 to 505, inclusive. (Sec. 362, 375(a), 52 Stat. 62, 66, Par. 77, 7 U.S.C. 1362, 1375(a))

Sec. 905 Non-allotment Farms on which the Acreage of Wheat Harvested Does not Exceed the Usual Acreage

(a) Conditions of exemption. - The penalty shall not apply to wheat produced in 1941 on any non-allotment farm to which a farm marketing quota is applicable and on which the acreage of wheat harvested in 1941 is in excess of 15 acres or the farm acreage allotment therefor, whichever is the larger, provided the acreage of wheat harvested thereon in 1941 is not in excess of the usual acreage determined for the farm under the 1941 Agricultural Conservation Program, and, provided further, the county committee determines that an amount of wheat equal to the farm marketing excess for the farm will be used for farm consumption and will not be marketed. The farm marketing excess for the farm shall be determined in accordance with Sec. 904(a). Wheat used for farm consumption for the purposes of this section shall be wheat

consumed (1) by the producer's family, employees, or household, or by his work stock, or by livestock or poultry on his farm if such livestock or poultry, or the products thereof, are consumed or are to be consumed by the producer's family, employees, or household; (2) as seed by the producers on the farm in planting wheat; or (3) as a premium to the Federal Crop Insurance Corporation. The county committee, in determining whether the amount of the farm marketing excess will be used for farm consumption, shall take into consideration the purposes for which the wheat was grown and the number of bushels of wheat which, in view of the practices customarily followed by the producer, would normally be required for farm consumption.

(b) Issuing marketing cards. - The county committee shall, for each non-allotment farm to which the exemption referred to in paragraph (a) is applicable, issue a marketing card to the operator and, unless the county committee determines that it will not serve a useful purpose, to other producers on the farm, in the manner provided in Sec. 501. (Sec. 375(a), Par. 7, 52 Stat. 66, 7 U.S.C. 1375(a))

Sec. 906 Non-allotment Farms on which the Acreage of Wheat Harvested Does not Exceed Three Acres Per Family

(a) Conditions of exemption. - The penalty shall not apply to wheat produced in 1941 on any non-allotment farm to which a farm marketing quota is applicable and on which the acreage of wheat harvested in 1941 is in excess of 15 acres or the farm acreage allotment therefor, whichever is the larger, and to which the provisions of Sec. 905 are not applicable, provided the acreage of wheat harvested thereon in 1941 is not in excess of 3 acres for each farm family living on the farm and, provided further, no wheat produced in 1941 on the farm is marketed by sale. The provisions of this section shall be applicable only to non-allotment farms situated in the East Central Region and all States in the Southern Region except the States of Texas and Oklahoma and the following counties in Arkansas: Baxter, Benton, Boone, Carroll, Independence, Madison, Marion, Randolph (Area II), Sharp, Stone, and Washington.

(b) Marketing cards. - A marketing card shall not be issued to any producer on any farm to which the exemption referred to in paragraph (a) is applicable. (Sec. 375(a), Par. 7, 52 Stat. 66, 7 U.S.C. 1375(a))

